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1. AUTOMOBILE—COUNTY COMMISSIONERS HAVE AUTHORITY, WITH APPROVAL, COMMON PLEAS COURT JUDGE, TO PURCHASE AUTOMOBILE FOR THEIR OWN USE, FOR RELIEF DIRECTOR AND OTHER EMPLOYEES IN ADMINISTRATION OF RELIEF TO NEEDY BLIND AND GENERAL POOR RELIEF—SECTIONS 2412-1, 2412-2 G. C.
2. COST SHOULD BE PAID OUT OF GENERAL FUNDS OF COUNTY—NO AUTHORITY TO PAY COST OUT OF POOR RELIEF FUNDS OR FUNDS PROVIDED FOR RELIEF OF NEEDY BLIND.

## SYLLABUS:

1. County commissioners have authority under Sections 2412-1 and 2412-2, General Code, with the approval of a judge of the common pleas court, to purchase an automobile for their own use and for a relief director and other employes appointed by them, to be used in administration of relief to the needy blind and general poor relief.
2. There is no authority to pay the cost of such automobile out of poor relief funds or funds provided for relief of the needy blind, but such cost should be paid out of the general funds of the county.

Columbus, Ohio, April 15, 1947

Bureau of Inspection and Supervision of Public Offices  
Columbus, Ohio

Gentlemen:

I have before me your communication requesting my opinion, and reading as follows:

“In a county the administration of poor relief and aid to the blind is by the County Relief Bureau under the jurisdiction of the county commissioners.

May we respectfully request your opinion upon the following question:

Would it be permissible for the county commissioners to purchase an automobile for the use of employes of the County Relief Bureau and use funds to the credit of the Blind Relief Fund and the Poor Relief Fund in the county treasury in payment of same?”

The provisions of the statutes relative to the administration of poor relief are found in Sections 339I to 339I-13 of the General Code.

Under the provisions of Section 339I, General Code, "local relief authority" is defined as meaning "the board or officer required by law or charter to administer or carry on poor relief in a local relief area."

Section 339I-1, General Code, provides in part as follows:

"Commencing on the first day of July, 1939, the territory in each county outside the corporate limits of cities therein shall be a local relief area hereinafter referred to as the 'county local relief area,' the local relief authority for which shall be the board of county commissioners of the county;"

Section 339I-2, General Code, provides in part:

"Local relief authorities shall administer poor relief in accordance with the following powers and duties:

1. In each local relief area, subject to the provisions of law, poor relief shall be furnished by the local relief authority to all persons therein in need of such poor relief."

Section 339I-7, General Code, provides in part:

"Each local relief authority may appoint a relief director, who shall be exempt from the provisions of Sections 486-1 to 486-30, both inclusive, of the General Code, and such additional employes as it may deem necessary, and prescribe their duties and authority."

Section 339I-9, General Code, provides:

"Premiums to the industrial commission of Ohio on account of recipients on work relief shall be paid by the local relief area from any funds available for poor relief."

Section 339I-10, General Code, provides in part:

"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."

Section 339I-6, General Code, places a percentage limitation on the aggregate expense of administering poor relief by a local relief area but provides that such expense within such limits shall be paid out of poor relief funds. I find no provision in the statutes relating to the adminis-

tration of poor relief authorizing the local relief authority to purchase an automobile for the use of the relief director or any of the other employes in the department.

The provisions of law relative to the administration of blind relief, are found in Sections 2965-1 to 2970, General Code. Section 2965-1, General Code, provides that relief shall be given to any needy blind person having certain residence qualifications except such as are receiving aid for the aged. Section 2967, General Code, in so far as pertinent, reads as follows:

“If the board of county commissioners be satisfied that the applicant is entitled to relief hereunder, said board shall issue an order therefor in such sum as said board finds needed, not to exceed fifty dollars per month, to be paid monthly from the funds herein provided on the warrant of the county auditor.”

Sections of the General Code which immediately follow, relate to the various sources from which funds are to be received for blind relief, including the federal government, the state and the county. The statutes above quoted and referred to clearly make the county commissioners directly responsible for the administration of poor relief both to those who are blind and to those who are not so afflicted.

As to the purchase of motor vehicles for the use of the county commissioners or departments under their control, reference may be had to Sections 2412-1 and 2412-2 of the General Code. Section 2412-1 provides that the county commissioners may, whenever they deem it necessary, adopt a resolution declaring the necessity of purchasing one or more motor vehicles for the use of the sheriff or sanitary engineer, their deputies or necessary employes. The section then proceeds as follows:

“Upon the adoption of said resolution the board of county commissioners may purchase said vehicles for the use and purposes of the aforesaid persons or any of them. If the Board of county commissioners deem it necessary to purchase a motor vehicle or vehicles *for their use or for the use of any department* under their direct control, application shall be made by them to a judge of the court of common pleas of said county, who, if upon the hearing thereof finds it *necessary and expedient* to purchase such vehicle or vehicles shall so order, fixing the number and kind of such vehicles, and the amount to be expended for each.”  
(Emphasis added.)

,Section 2412-2, General Code, reads as follows:

“When purchased, such vehicle or vehicles shall be for the use of the county commissioners, or other county officials, such use to be subject to the regulation of the county commissioners. Such vehicles shall be used by each such officials or said deputies and employes in lieu of hiring vehicles, in the manner otherwise provided by law unless the county vehicles are not available for such use. When vehicles are so purchased, the county commissioners may purchase such supplies as may be necessary. Any vehicles heretofore acquired and now owned by the county shall be used as herein provided. All such vehicles shall be plainly and conspicuously lettered as the property of the county. No official or employe shall use or permit the use of any such vehicle or any supplies therefor, except in the transaction of public business or work of such county.”

In an opinion found in 1927 Opinions of the Attorney General, Vol. III, page 2343, it was held that neither the county children's home nor the child welfare board established under the provisions of Section 3092, General Code, are departments under the direct control of the county commissioners within the provisions of Section 2412-1, General Code, relating to the purchase of automobiles. This holding was based on the proposition that an examination of the statutes relating to each of those departments showed that they were under boards which the commissioners were authorized by law to appoint, but when once the appointment was made, the powers of such boards were those given them directly by the statute, and the county commissioners no longer could be said to have direct control of the operation of such departments. As above pointed out, the administration of poor relief, including blind relief, is directly devolved upon the county commissioners and the only way they might escape that responsibility would be by the appointment of a welfare director under the provisions of Section 2511-1 et seq., which, as I understand, has not been done. The relief director mentioned in Section 3391-7 is not given any independent powers of action or control, and therefore appears to be merely an aid to the commissioners in the performance of their duties.

It follows that the county commissioners are authorized, with the approval of a judge of the common pleas court, to purchase an automobile for the use of themselves and their employes engaged in dispensing relief.

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 the 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 339I-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.

Since the county commissioners are themselves the administrators of relief, any motor vehicle purchased by them for use in connection with the administration of such relief would appear to be equally available for any and all purposes for which the county commissioners might use an automobile. Even if the vehicle were used exclusively for distribution of relief, it would probably be impracticable accurately to apportion the cost of such automobile between the general relief funds and the blind relief funds. Note further the provision of Section 2412-2 supra, to the effect that "when purchased, such vehicle or vehicles shall be for the use of the county commissioners or other county officials."

In an opinion found in Volume I, Opinions of the Attorney General for 1928, page 63, it was held that the county commissioners could place a motor vehicle purchased pursuant to the statutes under consideration at the disposal of the county dog warden or his deputies upon such regulations as such board might prescribe, but that the purchase price must be paid out of the general fund of the county and not out of the dog and kennel fund. That opinion was reiterated in practically the same language in a further opinion found in 1928 Opinions of the Attorney General, Vol. I, page 618.

In specific answer to your request it is my opinion:

1. County commissioners have authority under Sections 2412-1 and 2412-2, General Code, with approval of a judge of the common pleas court, to purchase an automobile for their own use and for a relief director and other employes appointed by them, to be used in administration of relief to the needy blind and general poor relief.

2. There is no authority to pay the cost of such automobile out of poor relief funds or funds provided for relief of the needy blind, but such cost should be paid out of the general funds of the county.

Respectfully,

HUGH S. JENKINS,  
Attorney General