

4521

AID TO BLIND — COUNTY EMPLOYE — ATTENDANCE ASSOCIATION MEETINGS OR CONVENTIONS — COUNTY COMMISSIONERS REQUIRED TO APPROVE EXPENDITURE IF SUCH ATTENDANCE PERFORMED AT COUNTY EXPENSE.

SYLLABUS:

A county employe, engaged in the administration of aid to the blind, is required to obtain the approval of the board of county commissioners before he may attend, at county expense, association meetings or conventions in connection with his work in the administration of aid to the blind.

Columbus, Ohio, December 5, 1941.

Hon. Alexander L. Hyzer, Prosecuting Attorney,
Fremont, Ohio.

Dear Sir:

I am in receipt of your request for my opinion as follows:

“May I have the benefit of your opinion as to whether or not a county employee, engaged in the administration of aid to the blind, is required under House Bill 599, Section 2989-1, to obtain approval of the Board of County Commissioners before attending, at county expense, association meetings or conventions, or whether such employee can have such expenses allowed and paid under Section 2968, House Bill 601?”

The law dealing with the payment of expenses of county employees incurred while attending association meetings or conventions is contained in Section 2989-1, General Code, referred to in your letter. This section, as it was adopted in House Bill No. 599, 94th General Assembly, reads as follows:

“Except as otherwise provided by law, no elected county officer, deputy or employe of the county, shall attend, at county expense, any association meeting, or convention, unless authorized by the board of county commissioners. Before such allowance may be made, the head of the county office desiring such allowance, shall make application in writing to the board of county commissioners showing the necessity of such attendance and the probable costs to the county. If a majority of the members of the board of county commissioners approve the application, such expenses shall be paid from the moneys appropriated to the said office for traveling expenses.”

Section 2968, General Code, as amended in House Bill No. 601, 94th General Assembly, contains the authority of the county commissioners to employ persons to administer aid to the blind. This section reads in part as follows:

“ * * * If not satisfied that any person on the blind list is qualified to draw his money, the board of county commissioners shall remove such person from the list, and shall forthwith notify the county auditor and the state department of public welfare of such action. The board of county commissioners is hereby empowered to employ the necessary persons for the administration of this act in the county who shall be in the classified civil service, any other provision of law to the contrary notwithstanding. Compensation for positions in each service group and grade established by the civil service commission shall not be less than the minimum nor more than the maximum rates established by the commission for such position. The state department of public welfare shall cooperate with the civil service commission in establishing the classification and rates of compensation of positions required for the administration of this act and the qualification of persons to be employed in such positions.

In addition to their compensation, such persons as are employed to make investigations shall be allowed monthly their actual and necessary expenses incurred in the discharge of their official duties; but no such expenses shall be allowed or paid until an itemized statement of the same, duly certified, shall first have been filed with the board of county commissioners. When so allowed said expenses shall be paid from the special fund of the county for aid to the needy blind upon the warrant of the county auditor. * * * ”

It will be observed that while Section 2968 authorizes the payment of expenses of such employes by the county commissioners, the only expenses authorized to be paid by that section are those incurred in the discharge of their official duties, which are the making of investigations as to whether or not persons are entitled to receive blind relief. It is obvious that attending association meetings or conventions is not a part of the process of making an investigation to determine whether a given person is entitled to receive blind relief. It is fundamental that the powers of the board of county commissioners are strictly limited to those provided by statute. See *Commissioners of Mahoning County vs. Railway Co.*, 45 O.S. 401-403; *Peter vs. Parkinson, Treas.*, 83 O.S. 36-49. Since there is no provision authorizing the board of county commissioners to pay any of the expenses of employes administering blind relief other than those above referred to, the county commissioners are governed by Section 2989-1 with respect to payment of expenses of such county employes incurred in attending association meetings or conventions.

Therefore, in specific answer to your question, I am of the opinion that a county employe, engaged in the administration of aid to the blind, is required to obtain the approval of the board of county commissioners

before he may attend, at county expense, association meetings or conventions in connection with his work in the administration of aid to the blind.

Respectfully,

THOMAS J. HERBERT,
Attorney General.