

2087

## TOWNSHIP TRUSTEES—TRAVEL EXPENSE REIMBURSEMENT—USE WITHIN/WITHOUT TOWNSHIP

## SYLLABUS:

Township trustees may not be reimbursed from public funds for expenses incurred by them in the use of their personally owned automobiles when such automobiles are used by them within the township in furtherance of their public duties.

Columbus, Ohio, May 6, 1958

Hon. Ralph A. Hill, Prosecuting Attorney  
Clermont County, Batavia, Ohio

Dear Sir:

In your request for my opinion you ask for clarification of the third paragraph of the syllabus of Opinion No. 243, Opinions of the Attorney General for 1957, p. 68, which paragraph reads as follows:

“Township trustees may be reimbursed for their necessary traveling expenses incurred by them while using their personally owned automobiles on their official business.”

Your question is whether township trustees may be reimbursed for necessary traveling expenses incurred by them while using their personally owned automobiles on official business within the township.

As you have observed, it is customary for township trustees to be so reimbursed when they use their automobiles on official business outside the township but not for such use within the township.

In my opinion this distinction is valid in law and is based, not upon any abridgment of the right of a public officer to be so compensated, but rather upon a practical and workable definition of the concept of use on official business.

As you are undoubtedly aware, no compensation is allowed public officers or employees for the use of their automobiles in traveling from their homes to their offices or *loci operandi*. That is not use on official business. The nature and extent of the duties of township trustees is such that the traveling they do within the township is ordinarily in the nature of traveling from their homes or businesses to a place where some public duty may temporarily require their presence. The customary rule that township trustees cannot be reimbursed for travel within the township recognizes this fact and consequently provides a workable means of applying the law to the factual situation. While it is no doubt true that township trustees might on occasion incur expenses in traveling within the township which would be compensable within the law, such would not be the usual case, and the rule which I have mentioned may generally be applied.

It is my opinion, and you are advised, that township trustees may not be reimbursed from public funds for expenses incurred by them in the use of their personally owned automobiles when such automobiles are used by them within the township in furtherance of their public duties.

Respectfully,  
Attorney General  
WILLIAM SAXBE