

2221.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN FRANKLIN  
COUNTY, OHIO.

COLUMBUS, OHIO, August 9, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

2222.

TOWNSHIP TRUSTEES—RIGHT TO \$2.50 A DAY FOR SERVICES ON  
ROAD IMPROVEMENTS AUTHORIZED BY SECTION 5541-8, GEN-  
ERAL CODE—CONDITION NOTED.

*SYLLABUS:*

*Township trustees may receive compensation at the rate of \$2.50 per day for their services in connection with the improvement of roads with funds arising from the provisions of Section 5541-8, General Code, so long as such compensation does not exceed the limitation of \$250.00 set forth in Section 3294, General Code.*

COLUMBUS, OHIO, August 11, 1930.

HON. HOWARD GOLDSBERRY, *Prosecuting Attorney, Chillicothe, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication which reads:

“The trustees of Harrison Township in Ross County are very desirous of your opinion upon the following matter:

Section 3372 of the General Code provides that the trustees shall receive \$2.50 a day for services in the discharge of their duty in the maintenance and repair of roads and culverts within the township, consequently these trustees desire to know if they are entitled to the same compensation of \$2.50 a day for overseeing and services in the improvement of the county roads within the township, under Section 5541-8 of the General Code, provided, however, that their total compensation does not amount to the sum of \$250.00.”

In my Opinion No. 2039, issued under date of July 27th, 1930, it was held as disclosed by the syllabus that:

“A township trustee, in the performance of his duties in connection with the improvement of roads by the use of the gasoline tax moneys provided for under Section 5541-8 of the General Code, is engaged in the business of the township and may not receive compensation for such services in excess of the limitations provided in Section 3294 of the General Code.”

A copy of said opinion is herewith enclosed for your information. In the body of said opinion, with reference to the funds arising for the benefit of the township under Section 5541-8, the following is stated: