

1700.

CIVIL SERVICE EXAMINATIONS—EXPENDITURE OF COUNTY MONEY
—PROVIDED BY SECTION 486-5, GENERAL CODE, ONLY.

SYLLABUS:

County moneys can be expended for the cost and expense of conducting examinations in the civil service of the county only under the circumstances and in the manner provided by Section 486-5, General Code.

COLUMBUS, OHIO, February 13, 1928.

The State Civil Service Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—This is to acknowledge receipt of your recent communication, reading as follows:

“Inasmuch as a great deal of time is spent by this department in holding examinations for classified positions in the various counties of the state, such as Superintendent of County Homes, Superintendent and Matron of County Children’s Homes, Probation Officers, Clerks, etc., this Commission desires to respectfully request your opinion as to whether the county in which such examinations are held should pay any part or all of the expense incurred in holding such examinations by this Commission.”

Section 486-5, General Code, so far as the same pertains to the consideration of the question here presented, provides:

“The commission may also appoint such examiners, inspectors, clerks and other assistants as may be necessary to carry out the provisions of this act, and fix their salaries within the limits of the appropriation made by the general assembly for that purpose. The commission may designate persons in or out of the official service of the state to serve as examiners or assistants under its direction.

Each such person shall receive such compensation for each day actually and necessarily spent in the discharge of his duties as examiner or assistant as shall be determined by the commission; provided, however, that if any such examiner or assistant is in the official service of the state, or any political subdivision thereof, it shall be a part of his official duties to render such services in connection with such examination, without extra compensation; provided, however, that counties of the state in which are located municipalities having local civil service commissions the state civil service commission may designate the local commission of the largest municipality within such county as its agent, for the purpose of carrying out such provisions of this act within said counties, as the state civil service commission may designate from time to time; and such civil service commissioners shall each receive for this work such reasonable compensation as the boards of county commissioners may determine, and the board of county commissioners of such county, during the time such arrangement shall continue, shall appropriate each year, to be paid out of the county treasury into the treasury of such municipality, a sum sufficient to meet the county’s portion of the cost of the work as determined by the number of employes in such classified service.

The secretary, examiners, inspectors, clerks and assistants shall, in addition to their salaries, receive such necessary traveling and other expenses as are incurred in the actual discharge of their official duties. The commission may also incur the necessary expenses for stationery, printing and other supplies incident to the business of the department. All salaries and expenses shall be approved and allowed by the commission and paid out of the treasury of the state on the warrant of the auditor, in the same manner as the salaries and expenses of other state officers are paid."

Without discussing at length the above quoted provisions of Section 486-5, General Code, it will be noted that, save as otherwise provided therein, the cost and expense of conducting examinations in the civil service of the several counties is to be paid by the state. The only exception to that rule is furnished by the proviso enacted as a part of said section in 1925, 111 O. L. 56. Under this proviso, in any county of the state in which are located municipalities having local civil service commissions, the state civil service commission is authorized to designate the civil service commission of the largest municipality within such county as the agent of the state civil service commission for the purpose of conducting examinations and otherwise carrying out the provisions of the civil service act within such county. In such case the civil service commissioners of the municipality thus designated to conduct examinations or to perform any other required service in the civil service of such county are entitled to receive for their services such reasonable compensation as the board of county commissioners may determine, to be paid out of monies appropriated by the board of county commissioners of such county and paid into the treasury of the municipality for the purpose, which sum so appropriated and paid into the city treasury is to be an amount sufficient to meet the county's portion of the cost of service so rendered, as determined by the number of employes in the classified service.

I know of no other statutory provision authorizing the expenditure of county funds to pay the cost and expense of examinations conducted in the county civil service and, consistent with the regular principle that county moneys can be expended for any purpose only when such expenditure is clearly authorized, I am of the opinion, in answer to your question, that moneys of the county can be expended for the purposes mentioned in your communication only under the conditions and in the manner provided by Section 486-5, General Code, above noted.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1701.

MUNICIPALITY—PAYMENT OF "MORAL OBLIGATIONS" DISCUSSED:

SYLLABUS:

1. *The legislative authority of a municipality may recognize, and authorize the payment of, moral obligations from appropriations made from public funds, unless by reason of charter provisions it is precluded from doing so.*
2. *Legislative authorities, in determining what are and what are not such moral obligations as will justify their recognition as such and the appropriation of public*