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PUBLIC WELFARE, DEPARTMENT OF — OFFICIALS AND PUBLIC EMPLOYEES—CERTIFICATE SHOWING INVITATION AND ATTENDANCE AT SESSION OF WELFARE CONFERENCE—EXPENSE ACCOUNTS—REASONABLE MEMBERSHIP FEE MAY BE PAID FROM FUNDS AVAILABLE FOR RESPECTIVE OFFICES, BOARDS AND INSTITUTIONS—COMPLIANCE WITH LEGAL REQUIREMENTS—SECTIONS 1356, 1357 G. C.

SYLLABUS:

The officials and public employes specified in Section 1357, General Code, who, upon the invitation of the Department of Public Welfare, attend a welfare conference called by such Department pursuant to Section 1356, General Code, may include in their expense accounts for attendance at such conference a reasonable membership fee fixed by the rules and regulations of the conference and may lawfully be paid the same from funds available for their respective offices, boards and institutions providing they first procure a certificate from the Department of Public Welfare stating that they were invited to and were in attendance at the session of such conference.

Columbus, Ohio, March 4, 1943.

Bureau of Inspection and Supervision of Public Offices,
Columbus, Ohio.

Gentlemen:

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

“Section 1356, General Code, authorizes the Department of Welfare to call an annual conference of officials mentioned in Section 1357, General Code, and representatives of various social agencies of the State to be known as the Ohio Welfare Conference.

Under the provisions of Section 1357, General Code, the various county officials and employes are permitted to have their necessary expenses paid from the county treasury upon presentation of the proper certificate of attendance.

As provided in the Constitution of the Ohio Welfare Conference an annual personal membership fee of two dollars is charged to all persons who register and attend such meeting.

May we respectfully request your opinion on the following question:

May a county official or employe include this registration fee as part of the necessary expense in attending the conference and receive reimbursement for the same from the county treasury?

For your convenience, we are enclosing a copy of the Constitution of The Ohio Welfare Conference, and from it you will note that such membership fees are handled entirely by the officers of the organization and are not paid into the State Treasury."

Upon the enactment, in 1921, of what is commonly known as the "Administrative Code" (109 O. L. 105) codified as Section 154-1, General Code, et seq., the Board of State Charities which had theretofore existed was abolished (Sec. 154-26, G. C.) and the duties which formerly had been vested in or imposed upon said board were transferred to and vested in the Department of Public Welfare (Sec. 154-57, G. C.) where they have since remained.

Prior to the effective date of Sections 154-26 and 154-57 of the General Code as enacted in 1921, there were in force Sections 1356 and 1357, General Code, which were not then amended nor have they been amended since that time. These sections read as follows:

"Section 1356: The board of state charities may call an annual conference, of the officials specified in section 1357 and representatives of the various social agencies in the state, to be known as the Ohio welfare conference. The purpose of the conference shall be to facilitate discussion of the problems and methods of practical human improvement, to increase the efficiency of agencies and institutions devoted to this cause; to disseminate information and to consider such other subjects of general social importance as may be determined upon by the conference itself. For this purpose the conference shall organize by the election of officers, the appointment of the proper committees, and the adoption of rules and regulations. The board may also call other conferences at any time or place for the consideration of problems relating to any particular group of institutions and agencies."

"Section 1357: The necessary expenses of such officers and employes of the state, county and municipal boards, benevolent and correctional institutions, officials responsible for the administration of public funds used for the relief and maintenance of the poor, officials authorized to administer the probation laws, and members of the boards of county visitors as are invited by the board of state charities to the conferences provided for in Section 1356 shall be paid from any fund available for their respective offices, boards and institutions, provided they first procure a certificate from the secretary of the board of state charities as

evidence that they were invited to and were in attendance at the sessions of such conferences.”

Upon consideration of the terms of Section 1356 supra, wherein are set forth the purposes of the “Ohio Welfare Conference”, it appears from the injunction contained therein for such conference to organize and adopt rules and regulations and to call other conferences than the regular annual conference, a permanent organization is contemplated for the furtherance of the purposes for which the conference was created. This conclusion is fortified by the provisions of Section 1357, General Code, where the word “conference” is used in the plural and in the last line thereof where the phrase “sessions of such conferences” appears. The duties and powers of the members of the conference do not end with the annual meeting spoken of or with any session thereof, but are continuing, and contemplate memberships which include the duty and right to serve on committees and to perform such duties in connection therewith as may be provided for in the constitution and the rules and regulations which the conference is authorized to adopt.

In pursuance of the power extended to the Ohio Welfare Conference by Section 1356, supra, to organize by the election of officers, to appoint committees and to adopt rules and regulations, the conference adopted a constitution which was revised in 1935, setting forth therein the name and purpose of the conference and providing for officers thereof, consisting of a president, first and second vice president, treasurer and executive secretary, the creating of divisions of the conference and the holding of annual meetings and such special meetings as may be thought necessary in furtherance of the purposes of the conference. In article II of the said constitution, as revised in 1935, the purpose of the conference is set forth as follows:

“The purpose of this conference shall be to facilitate discussion of the problems and methods of practical human improvement, to increase the efficiency of agencies and institutions devoted to this cause; to disseminate information and to consider such other subjects of general social importance as may be determined upon by the conference itself.”

Provision is made in the said constitution for the membership of the conference to consist of personal and institutional members and for the payment of an annual membership fee by such members. “Personal members of the conference” are designated as all persons within the State of Ohio who subscribe to the rules of the conference and pay the annual fee. “Institutional members” are described in Section 3 of article III of the Constitution, as follows:

“Institutional members of the conference shall be accredited delegates from any social service institution or agency, public or private, in the state of Ohio. Each such institution or agency upon subscribing to these rules and regulations and by registering and paying the annual institutional membership fee is entitled to four delegates in the conference. Such delegates as may attend any annual or special conference shall be registered as members of such conference and shall be entitled to all the rights and privileges thereof.”

Section 5 of said article III provides as follows:

“The annual personal membership fee shall be two dollars, and the annual institutional membership fee shall be ten dollars. Payment of dues shall entitle the personal or institution member to a copy of the proceedings of the annual conference.”

It is expressly provided in the said constitution that the executive secretary shall receive all membership fees and account for them to the treasurer and that the proceeds of these fees shall be used for the general expenses of the conference.

Under the terms of the rules and regulations of the conference as embodied in its constitution it appears that no one except members may become officers or serve on committees or otherwise participate in the meetings.

In providing as the law does, that the Department of Public Welfare may call annual and other conferences of the officials and employes mentioned in Section 1357, *supra*, for the purpose set out in Section 1356, General Code, and authorizing the organization of such group by the election of officers and the appointment of committees and the adoption of rules and regulations for the proper functioning of the conference and the payment of their expenses from public funds, it clearly is the intention of the law, in my opinion, that each person authorized to attend such meetings and invited thereto, shall be fully qualified to participate in the proceedings and activities of the conference. If they may not do so without payment of the necessary membership fee fixed by the conference the payment of the fee is as much a necessary and legitimate expense of their attendance as their traveling expenses or hotel bills.

I am therefore of the opinion in specific answer to your question that the officials and public employes specified in Section 1357, General Code, who, upon the invitation of the Department of Public Welfare, attend a welfare conference called by such Department pursuant to Section 1356, General Code, may include in their expense accounts for attendance at

such conference a reasonable membership fee fixed by the rules and regulations of the conference and may lawfully be paid the same from funds available for their respective offices, boards and institutions providing they first procure a certificate from the Department of Public Welfare stating that they were invited to and were in attendance at the session of such conference.

Respectfully,

THOMAS J. HERBERT,
Attorney General.