

2353.

APPROVAL—BONDS OF SEVEN MILE VILLAGE SCHOOL DISTRICT,  
BUTLER COUNTY, OHIO, \$1,300.00.

COLUMBUS, OHIO, March 8, 1934.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

2354.

POOR RELIEF—VOUCHERS THEREFOR MUST BE APPROVED BY  
COUNTY COMMISSIONERS—FILED WITH COUNTY AUDITOR  
—TIME OF PAYMENT.

*SYLLABUS:*

1. *By virtue of Section 2572, General Code, a bill or voucher for payment of poor relief moneys from poor relief funds under the control of the county commissioners must be filed with the county auditor and entered in his book for that purpose at least five days before its approval for payment by the county commissioners.*

2. *Such bills or vouchers must be approved by the county commissioners even though they are certified as true and correct by the State Relief Commission and when approved by the county commissioners the date thereof shall be entered on their books opposite the claim, and payment thereof shall not be made until after the expiration of five days after such approval has been so entered.*

COLUMBUS, OHIO, March 9, 1934.

HON. W. J. SCHWENCK, *Prosecuting Attorney, Bucyrus, Ohio.*

DEAR SIR:—I am in receipt of your communication which reads as follows:

“Section 2572 of the General Code providing for the payment of money from any fund under the control of the Commissioners must be on file five days before the same can be filed and remain on file five days after the approval by the Commissioners before the Auditor is authorized to pay out the same.

The question now arises under and by virtue of this relief under the County unit plan whereby the Auditor is to pay those bills when they are finally certified as true and correct by the Relief Commission of the State—are these bills required to be on file five days before they can be allowed and remain on file five days after being approved before the same can be paid?

My own version of the matter is that since this money is raised and expended under Emergency Acts enacted by the Legislature the payment of these bills should not be governed by the above numbered section. However, I would appreciate a ruling from your office telling us how these bills should be paid with reference to the above section or should the same be paid when the bills are certified as true and correct by the State Relief Commission.

The further question whether or not the County Commissioners must add their approval to these bills before the Auditor can pay the same.

I might also add that if these bills must be approved by the County Commissioners then that necessarily means that each and every one of them must be recorded in their Journal; this will mean an endless amount of work and will require additional force to accomplish this. However, that is probably the only way in which we would have a complete record of the expenditures under this relief."

Sections 8 and 9 of Amended Senate Bill No. 4, enacted at the first special session of the 89th General Assembly, amended by Senate Bill No. 2 of the second special session of the 89th General Assembly, as amended by Senate Bill No. 63, enacted at the regular session of the 90th General Assembly, provide *inter alia*:

"Sec. 8. The proceeds of the sale of such bonds or notes, heretofore or hereafter issued under section 3 or section 7 of this act by any county, shall be placed in a special fund to be denominated the '*emergency relief fund*,' and shall be deemed to be appropriated for the purpose only for which the bonds or notes were issued, *but no expenditure shall be made from such special fund except in accordance with the method and under such uniform regulations as prescribed by the state relief commission*, and in no case after December 31, 1935. \* \* \* The proceeds of the sale of any such bonds by a city under section 7 of this act shall be placed in a special fund of such city to be called the '*Emergency Poor Relief Fund*,' and shall be used only for poor relief. \* \* \*

Sec. 9. No disbursement of any part of the emergency relief fund shall be made by the county commissioners or the council or other legislative body of any city or any county until the budget of such county or city for relief expenditures has been approved by the state relief commission. At any time after such approval and in accordance therewith and prior to the first day of March, 1935, the county commissioners of any county shall, from time to time, distribute such portion of said fund to any or all of the cities (whether charter cities or otherwise) and townships of such county, according to their relative needs for poor relief as determined by such county and as set out in such approved budget; such moneys so distributed to any city or township, shall be expended for poor relief in such city or township, including the renting of land and the purchase of seeds for gardening for the unemployed, and for no other purpose.

The county commissioners of any county, at any time prior to the first day of March, 1935, upon the request of any board of education other than the county board of education in such county, and upon proof to their satisfaction that such board is without funds available for the relief of school children, may supply such board with funds as approved by the state relief commission in any amount, which funds may be paid out of the emergency relief fund, or from the county poor relief

excise fund, and shall be expended by such board of education for the relief of school children, and for no other purpose.

At any time prior to the first day of March, 1935, the county commissioners of any county may, *when authorized by the state relief commission expend any part of the emergency relief fund or the county poor relief excise fund of such county for furnishing work relief and direct relief as defined in this act*, to any or all persons in such county who are in a condition requiring it, anything in sections 3476 to 3496, both inclusive, of the General Code, to the contrary notwithstanding." (Italics the writer's.)

Amended Senate Bill No. 4 of the first special session of the 89th General Assembly was further amended by House Bill No. 7 of the first special session of the 90th General Assembly, and by House Bill No. 7 of the second special session of the 90th General Assembly and by House Bill No. 39 of the second special session of the 90th General Assembly, but these amendments are not pertinent to your inquiry.

Section 2572 of the General Code provides as follows:

"A bill or voucher for payment of money from *any fund controlled by the commissioners* must be filed with the county auditor and entered in a book for that purpose at least five days before its *approval for payment by the commissioners*. *When approved*, the date thereof shall be entered on such book opposite the claim, and payment thereof shall not be made until after the expiration of five days after the approval has been so entered."

This particular section of the General Code was never amended or repealed by any of the poor relief laws and it is my opinion that it is broad and inclusive enough to embrace the expenditures made as outlined in your inquiry. The funds in question are controlled by the county commissioners and the procedure outlined in Section 2572 should be complied with.

Consequently, specifically answering your inquiries, it is my opinion that:

1. By virtue of Section 2572, General Code, a bill or voucher for payment of poor relief moneys from poor relief funds under the control of the county commissioners must be filed with the county auditor and entered in his book for that purpose at least five days before its approval for payment by the county commissioners.
2. Such bills or vouchers must be approved by the county commissioners even though they are certified as true and correct by the State Relief Commission and when approved by the county commissioners the date thereof shall be entered on their books opposite the claim, and payment thereof shall not be made until after the expiration of five days after such approval has been so entered.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*