

riated for that purpose by the county commissioners from the road or bridge fund of the county."

However, an examination of the opinion will disclose that the general fund is also available for the payment of such inspectors.

In connection with your inquiry, it is believed proper to refer to Section 5625-29, General Code, which requires the taxing authority of each subdivision to pass an annual appropriation measure on or about the first day of each year and supplemental appropriation measures during the year as it finds necessary, based on the revised tax budget and the official certificates of estimated resources. In other words, it will be seen that the county commissioners must necessarily appropriate funds which are available for the purpose of paying the deputies, assistants, and other employes of the county surveyor.

In view of the opinion of the Attorney General hereinbefore referred to, in making such appropriations the commissioners may take into consideration funds other than the general county fund in so far as inspectors are concerned. In other words, said opinion concluded that either the general fund or the road and bridge fund of the county were proper funds out of which payment of such inspectors should be made. It is stated on page 1908 that county officers could not be said to have abused their discretion if they should determine that an inspector should be paid from the same fund from which the cost of the improvement itself was being paid.

It will therefore be seen that the sole power of the appointment of inspectors and the fixing of their compensation lies with the county surveyor. It further follows, however, that such employment must be made within the limits of the appropriation available for such purposes as made by the county commissioners. In other words, the county commissioners must appropriate for such purposes generally but are not authorized to specify the salary of any particular employe.

In view of the foregoing and in specific answer to your inquiry, it is my opinion that the authority to employ inspectors on county road improvements and fix the compensation therefor lies wholly in the discretion of the county surveyor, subject to an appropriation being made for such purpose by the county commissioners from the proper fund or funds.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1922.

APPROVAL, BONDS OF VILLAGE OF SEAMAN, ADAMS COUNTY—\$4,000.00.

COLUMBUS, OHIO, May 29, 1930.

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