

the members of the several taxing authorities frequently find themselves in the position of adversaries. The possibility of such a situation arising and existing renders the office of member of one taxing authority in a county incompatible with that of membership on another taxing authority in the same county. Under this rule the office of county commissioner is clearly inconsistent with the office of member of a rural board of education in the same county.

It was so held in an opinion of the then Attorney General in 1928. See Opinions of the Attorney General for 1928, page 2777, and again in 1932, see Opinions of the Attorney General for 1932, page 1528.

There has been no change in the status of county commissioners or members of a rural board of education in so far as their relation to the county budget commission or the county budget law is concerned, since the rendition of the opinions above referred to.

I am therefore of the opinion in specific answer to your question that it is not possible under the law for one and the same person to hold the offices of county commissioner and member of a rural board of education in the same county at one time.

Respectfully,

THOMAS J. HERBERT,  
Attorney General.

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3098.

POLICE DEPARTMENT, CITY—GOVERNING BODY OF CITY MAY BY ORDINANCE OR RESOLUTION PROVIDE LOCAL COURSE OF TRAINING FOR POLICE—SALARY AND EXPENSES OF POLICE OFFICER MAY BE PAID AT FEDERAL BUREAU OF INVESTIGATION SCHOOL TO ENABLE SUCH OFFICER TO CONDUCT LOCAL COURSE OF TRAINING.

SYLLABUS:

*The governing body of a city may, by ordinance or resolution, provide for a local course of training for the police department of the city and pursuant to such purpose the salary and expenses of a police officer may be paid*

*while in attendance at a Federal Bureau of Investigation school to enable the officer to conduct such local course of training.*

Columbus, Ohio, December 7, 1940.

Bureau of Inspection and Supervision of Public Offices,  
State House Annex,  
Columbus, Ohio.

Gentlemen:

This will acknowledge your recent communication which states the following question:

“May the governing body of a city provide by ordinance or resolution for sending a police officer of such city to attend the F. B. I. School in Washington and also provide for the payment from public funds of the salary and necessary traveling and maintenance expense of said officer, incident to such instruction?”

Further information which you submit shows that the purpose of attending the school in Washington is to enable the officer concerned, upon his return to the employing city, to establish a course of training in the latest approved police methods and procedure for the police department of the city concerned.

Your letter makes note of Opinion No. 1681, Opinions of the Attorney General for the year 1937. So much of the conclusion of that opinion which is pertinent to this inquiry is shown by the second branch of the syllabus, which is as follows:

“In the absence of express charter provision, a police officer may not be reimbursed from municipal funds, for traveling expenses incurred in attending a training course conducted by the Federal Bureau of Investigation of the Department of Justice, inasmuch as it appears that the police officer was engaged merely in the acquisition of general information and was not pursuing the study of a definite, presently contemplated project of the Division of Police. (1930 Opinions of the Attorney General, Vol. II, p. 1091, approved and followed.)”

That opinion and others of like result find their rationale in the case of State, ex rel. Marani vs. Wright, 17 O. C. C. (N. S.) 396. The head-note of that case states:

“A municipality is not liable for the traveling expenses of

one of its officials incurred in attending a convention of like officials of other municipalities.”

The body of the opinion in that case reveals that the court proceeded upon the theory that for the city to be liable for expenses of attendance at such meeting, the object of the meeting must be reasonably related to the duties of the officer. The opinion goes on to note that mere self-improvement and education for the benefit of the officer or employe concerned will not justify the payment of traveling expenses by the employing subdivision.

An analysis of the question and information you submit requires the conclusion that the purpose of the police officer's attendance at the Federal Bureau of Investigation school was not merely self-improvement or the securing of general information for the benefit only of the officer, but rather the securing of information and instructions which would enable the officer, upon the completion of the instructions, to initiate and conduct a course of training for the members of the police department of the city in question. In view of those purposes, it is my opinion that the attendance of the police officer at the course of training conducted by the Federal Bureau of Investigation is for the creation and furtherance of a definite, presently contemplated undertaking for the benefit of the municipality.

A like result was reached in Opinion No. 2082, Opinions of the Attorney General for 1930, when it was determined that the salary and expenses of a police officer might be paid by a municipality during the police officer's trip to investigate fingerprint systems if the purpose of the journey was to facilitate the installation of a fingerprint system for the municipality employing the officer.

In a consideration of the same factors as are present in your inquiry, the latter opinion applied the rule above discussed that the purpose of the trip for which expenses and salary are sought to be paid must be for the immediate benefit of the subdivision concerned, rather than for the personal benefit of the individual and must bear a reasonable relation to the duties of the individual police officer or employe.

Having already concluded that the attendance at the course of instruction of the officer in your case is not merely for the purpose of acquiring general information with a view to self-improvement, as was the case in Opinion No. 1681, Opinions of the Attorney General for 1937, to which you refer in your letter, but rather for the benefit of the municipality in a presently contemplated municipality project, and it appearing that the ob-

ject of the trip bears a reasonable relation to the officer's duties, the application of the rule here discussed, as applied in Opinion No. 2082, Opinions of the Attorney General for 1930, above noted, leads me to the conclusion that the expenses and salary of the officer about whom you inquire may be paid under the circumstances you present.

Answering your question specifically, it is my opinion that the governing body of a city may, by ordinance or resolution, provide for a local course of training for the police department of the city and pursuant to such purpose the salary and expenses of a police officer may be paid while in attendance at a Federal Bureau of Investigation school to enable the officer to conduct such local course of training.

Respectfully,

THOMAS J. HERBERT,  
Attorney General.