

OPINION NO. 2013-034**Syllabus:**

2013-034

A person may serve simultaneously as administrator and chief of police for the Village of Walbridge. As the administrator he may not approve invoices, estimates, contracts, or other expenditures for the village police department without the approval of the village's legislative authority. As village chief of police he must remove himself from any investigation concerning the office of village administrator.

To: Paul A. Dobson, Wood County Prosecuting Attorney, Bowling Green, Ohio

By: Michael DeWine, Ohio Attorney General, October 22, 2013

We have received your request for an opinion whether a person may simultaneously serve in the positions of administrator and chief of police for the Village of Walbridge. According to your letter, the Village of Walbridge employs a chief of police, who oversees the village police department. *See* R.C. 737.15 (“[e]ach village shall have a marshal, designated chief of police, appointed by the mayor with the advice and consent of the legislative authority of the village”); R.C. 737.18 (“[t]he marshal shall be the peace officer of a village and the executive head, under the mayor, of the police force”). The chief of police receives a salary from the village. This same person simultaneously serves as a part-time village administrator, and receives a salary, in that position, in addition to the salary he

receives in his role as chief of police. Subject to the restrictions set forth below, it is our opinion that the two positions are compatible.

The following analysis is used to determine whether a person may serve simultaneously in two public positions:

1. Is either position in the classified service for purposes of R.C. 124.57?
2. Does a constitutional provision or statute prohibit holding both positions at the same time?
3. Is one position subordinate to, or in any way a check upon, the other?
4. Is it physically possible for one person to discharge the duties of both positions?
5. Is there an impermissible conflict of interest between the two positions?
6. Are there local charter provisions, resolutions, or ordinances that are controlling?
7. Is there a federal, state, or local departmental regulation applicable?

2009 Op. Att'y Gen. No. 2009-018, at 2-127 to 2-128.

Discussion of R.C. 124.57

The first question of the compatibility analysis asks whether either of the positions is a classified employment within the terms of R.C. 124.57. This statute prohibits, except as provided therein, an officer or employee in the classified service of the state, the several counties, cities, city school districts, and civil service townships from holding partisan political offices and employments. *See* 2A Ohio Admin. Code 123:1-46-02; 2009 Op. Att'y Gen. No. 2009-018, at 2-128.

We must first determine whether a village police chief or village administrator is an officer or employee that is subject to R.C. 124.57's prohibition. R.C. 124.57 applies only to officers and employees of "the state, the several counties, cities, and city school districts of the state, [and] the civil service townships of the state." It does not apply to officers or employees of villages. 2002 Op. Att'y Gen. No. 2002-021, at 2-133. Thus, R.C. 124.57 will not apply to the positions of village police chief and village administrator. *See* 1994 Op. Att'y Gen. No. 94-013, at 2-58; 1993 Op. Att'y Gen. No. 93-048, at 2-234; 1989 Op. Att'y Gen. No. 89-069, at 2-315. Because R.C. 124.57's prohibition does not apply to either position, R.C. 124.57 does not prevent a person from serving simultaneously as village police chief and village administrator.

Applicability of Constitutional Provisions or Statutes

Question two asks whether a constitutional provision or statute prohibits a person from holding both positions at the same time. R.C. 735.271 prohibits a vil-

lage administrator from being an elected official of the village at the time of his appointment or during his tenure in office. A village police chief, however, is not an elected official. *See* R.C. 737.15 (the village police chief is appointed by the mayor). Thus, R.C. 735.271's prohibition does prevent these two positions from being compatible.

Although no other constitutional provision or statute *prohibits* a person from serving simultaneously in the positions of village police chief and village administrator, village officials should consider whether R.C. 733.72 is applicable to this situation. R.C. 733.72 lists charges that may be brought against a municipal officer in order to remove him from office. *See* R.C. 733.76 ("if . . . the charges in the complaint mentioned in [R.C. 733.72] are sustained by the verdict" an officer may be removed from office); *see, e.g., In re: The Removal of Dan Anslinger, Jr. Vill. Adm'r of Vill. of Germantown, Ohio*, No. CA 5632, 1978 Ohio App. LEXIS 11168, at **4-5 (Montgomery County August 4, 1978). Pursuant to R.C. 733.72(B), a municipal officer may be charged with being "interested, directly or indirectly, in the profits of a contract, job, work, or service, . . . undertaken or prosecuted by the municipal corporation, contrary to law." Based on this language, the argument might be made that a municipal officer may be removed from office because he is employed by the same municipality in another position. The rationale is that the municipal officer has a direct or indirect interest in "the profits of a contract, job, work, or service" because of that employment by the municipality.

The Ohio Ethics Commission has applied this type of reasoning in its interpretation of R.C. 2921.42(A)(4), which prohibits a public official from having an interest in the "profits or benefits of a public contract." *See* Ohio Ethics Comm'n, Advisory Op. No. 92-020, slip at 2. R.C. 2921.42(A)(4) relies on the definition of "public contract" in R.C. 2921.42(I)(1)(a). Pursuant to R.C. 2921.42(I)(1)(a), a "public contract" specifically includes "the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either." Relying on this definition, the Ohio Ethics Commission has found that an individual who receives compensation for services performed under a public contract, including employment with the political subdivision, has a definite and direct, pecuniary interest in that public contract for purposes of R.C. 2921.42(A)(4). *See* Ohio Ethics Comm'n, Advisory Op. No. 92-020, slip at 2. Thus, the Ethics Commission has held that R.C. 2921.42(A)(4) prohibits a public official from holding additional compensated employment with the political subdivision with which he serves. *Id.*

Application of R.C. 733.72 and R.C. 2921.42(A)(4) to the facts of your case, however, is outside the scope of this opinion. R.C. 733.72 sets forth charges that may be brought against a municipal officer for certain misconduct. It is quasi-penal in nature. *State ex rel. Stokes v. Probate Court of Cuyahoga Cnty.*, 22 Ohio St. 2d 120, 124, 258 N.E.2d 594 (1970). It is up to a judge or jury to determine whether charges filed against a municipal officer under R.C. 733.72 will be sustained. *See* R.C. 733.76 (noting that a judge or jury will determine whether charges are sustained under R.C. 733.72); 1987 Op. Att'y Gen. No. 87-074, at 2-482 ("[t]he role of assigning liability to particular individuals in a given case is one that rests exclusively within the province of the judiciary . . . [the Attorney

General] is unable to render any judgment about the extent to which particular persons are, or may be, civilly or criminally liable”). Similarly, R.C. 2921.42(A)(4) is within the jurisdiction of the Ohio Ethics Commission, R.C. 102.08, and the Attorney General refrains from interpreting and applying that statute by way of a formal opinion. *See* note 2, *infra*.

No other constitutional provision or statute prohibits a person from serving simultaneously in the positions of village police chief and village administrator. Question two of the compatibility test, for purposes of this opinion only, therefore, may be answered in the negative.

Subordination and Control

The third question of the compatibility test asks whether one position is subordinate to, or in any way a check upon, the other. A village police chief is appointed by the village mayor and, as such, is accountable to the mayor. *See* R.C. 737.15 (a village police chief is appointed by the mayor with the advice and consent of the legislative authority of the village); R.C. 737.171 (the village police chief can be removed from office where the mayor files with the legislative authority written charges and the legislative authority holds a hearing and votes to remove the village police chief from office). A village administrator is appointed by the village mayor, and serves at the pleasure of the mayor and the village’s legislative authority. 1994 Op. Att’y Gen. No. 94-013, at 2-59; 1993 Op. Att’y Gen. No. 93-048, at 2-234; *see* R.C. 735.271 (the village administrator shall serve at the pleasure of the mayor and legislative authority of the village and may be removed without cause by the mayor with the consent of a majority of the members elected to the legislative authority or without the mayor’s consent by a three-fourths vote of the members elected to the legislative authority); R.C. 735.273 (a village administrator is under the general supervision and control of the village mayor). The positions of village police chief and village administrator thus operate independently of each other. Neither position is required to assign duties to or supervise the other. Neither position is directly responsible for appointing or removing a person from the other position. Therefore, neither position is subordinate to, or in any way a check upon, the other.

Physical Ability to Hold and Serve in Both Positions

Question four of the compatibility analysis asks whether it is physically possible for one person to perform the duties of both positions. This is a factual question that is best addressed by local officials because they may determine more accurately the time constraints and demands imposed upon the positions of village administrator and village police chief. *See* 2009 Op. Att’y Gen. No. 2009-018, at 2-130. However, in order to serve simultaneously in these two positions the person must be certain that he will be able to carry out the duties of both positions in a competent and timely manner. 2003 Op. Att’y Gen. No. 2003-041, at 2-339. There

may not be a direct conflict between the times when the person is needed to perform his duties as village administrator and village police chief.¹ *Id.*

Conflicts of Interest

The fifth question of the compatibility test asks whether there is a conflict of interest between the two positions.² It is well established that a person may not serve simultaneously in two public positions if he would be subject to divided loyalties, conflicting duties, or the temptation to act other than in the public's best interest in either or both positions. 2003 Op. Att'y Gen. No. 2003-010, at 2-70. The "mere possibility," however, that an individual is subject to divided loyalties or conflicting duties "does not automatically prohibit the simultaneous holding of two public positions. Rather, each potential conflict of interest should be considered on its particular facts, and where the possibility of conflict is remote and speculative, the conflict of interest rule is not violated." 1994 Op. Att'y Gen. No. 94-013, at 2-62. The factors weighed in making this determination include the probability of the conflict, the ability of the person to remove himself from the conflict, whether the person exercises decision-making authority in both positions, and whether the conflict relates to the primary functions of each position or to financial or budgetary matters. 2006 Op. Att'y Gen. No. 2006-047, at 2-451; 1979 Op. Att'y Gen. No. 79-111, at 2-372. To determine whether conflicts of interest exist, we review the powers, duties, and responsibilities of a village police chief and a village administrator. If the review discloses any conflicts, we examine whether the conflicts may be avoided sufficiently or eliminated entirely, thus allowing the person to hold both positions at the same time. 2006 Op. Att'y Gen. No. 2006-047, at 2-451.

We will consider, first, the powers, duties, and responsibilities of a village police chief. The village police chief is the "peace officer of a village and the executive head, under the mayor, of the police force." R.C. 737.18. The village police

¹ You have informed us that the village police chief typically expends 40 hours a week in the performance of his law enforcement duties, although there are no set hours for that position. You have not indicated that the village police chief works 24 hours a day, seven days a week. *See* 1989 Op. Att'y Gen. No. 89-016, at 2-79 (noting that where a city police chief is on call 24 hours a day and his duties required "constant readiness" he may not be capable of performing the duties of a second position, but ultimately leaving the determination of physical ability to hold both positions to local authorities).

² The Ohio Ethics Commission, rather than the office of the Attorney General, is required by R.C. 102.08 to address the application of the ethics and conflict of interest provisions of R.C. Chapter 102 and R.C. 2921.42-.43. The Attorney General will refrain from interpreting and applying Revised Code provisions within the jurisdiction of the Ohio Ethics Commission. 1987 Op. Att'y Gen. No. 87-033 (syllabus, paragraph 3). Questions about the application of these provisions in your particular situation should be directed to the Ohio Ethics Commission. 2004 Op. Att'y Gen. No. 2004-044, at 2-380 n.7; *see* 2011 Op. Att'y Gen. No. 2011-043, at 2-352 n.2.

chief has “exclusive authority over the stationing and transfer of all deputies, officers, and employees within the police department of the village, under the general rules that the mayor prescribes,” and with certain exceptions, “has the exclusive right to suspend any of the deputies, officers, or employees in the village police department who are under the management and control of the [police chief]” for just cause. R.C. 737.19.

A village police chief has “the powers conferred by law upon police officers in all villages of the state, and such other powers, not inconsistent with the nature of their offices, as are conferred by ordinance.” R.C. 737.18. R.C. 737.19(C) further provides the powers of a village police chief as follows:

The [village police chief] shall suppress all riots, disturbances, and breaches of the peace, and to that end may call upon the citizens to aid the [village police chief]. The [village police chief] shall arrest all disorderly persons in the village and pursue and arrest any person fleeing from justice in any part of the state. The [village police chief] shall arrest any person in the act of committing an offense against the laws of the state or the ordinances of the village and forthwith bring that person before the mayor or other competent authority for examination or trial. The [village police chief] shall receive and execute proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.

In the discharge of the [village police chief's] duties, the [village police chief] shall have the powers and be subject to the responsibilities of constables, and, for services performed by the [village police chief] or the [village police chief's] deputies, the same fees and expenses shall be taxed as are allowed constables.

A village police chief is also responsible for attending, or designating another police officer to attend, sittings of the mayor's court and to preserve order in that court. R.C. 1905.08. He also has responsibilities related to executing and returning writs. *Id.*

We will now discuss the powers, duties, and responsibilities of a village administrator. A village administrator, pursuant to r.c. 735.273, is required to manage, conduct, and control the water works, electric light plants, artificial or natural gas plants, or other similar public utilities; furnish supplies of water, electricity, or gas; and collect all water, electric, and gas rents. He must make such bylaws and regulations as he deems necessary for the safe, economical, and efficient management and protection of such works, plants, and public utilities. R.C. 735.273. A village administrator also supervises the improvement and repair of, among other things, streets, bridges, sewers, drains, and ditches, and cleans all streets, alleys, and public buildings and places. *Id.* A village administrator has authority to make contracts for the sale or purchase of water, R.C. 743.18; R.C. 743.24; make general or special rules and regulations for the protection of water works, R.C. 743.10; and make contracts for the building, enlarging, and repairing of machinery, water works buildings, and reservoirs, manufacturing and laying down of pipe, the furnishing

and supplying with connections all necessary fire hydrants, and for all other purposes necessary to the full and efficient management and construction of a water works, R.C. 743.07; R.C. 743.11. *See* R.C. 735.273; 2003 Op. Att’y Gen. No. 2003-015, at 2-114 to 2-115. The village administrator may also enter into multi-year, asset management professional service contracts for engineering, repair, sustainability, water quality management, and maintenance of water storage tanks and appurtenant facilities owned, controlled, or operated by the village. R.C. 9.29; R.C. 735.054. The village administrator also has all the powers and duties of the board of trustees of public affairs and the street commissioner, with certain limited exceptions. R.C. 735.273. *See* 2003 Op. Att’y Gen. No. 2003-015, at 2-115 n.2.³ R.C. 735.273 authorizes the village administrator to have “such other powers and

³ In villages that do not have village administrators, the board of trustees of public affairs has responsibility for certain duties related to public utilities, R.C. 735.28, and the street commissioner has responsibility for certain duties related to the streets, sewers, watercourses and the like, R.C. 735.32. The village administrator assumes the duties of both of these positions, as provided for in R.C. 735.273. *See* R.C. 735.272 (when a village administrator is appointed, the board of trustees of public affairs is abolished); R.C. 735.31 (a street commissioner is only appointed in those villages that have not provided for the appointment of a village administrator). Thus, opinions that have determined whether a member of a board of trustees of public affairs or a street commissioner may simultaneously serve as a village police chief are relevant to this opinion because they may indicate whether the position of village administrator is compatible with the position of village police chief. *See* 1979 Op. Att’y Gen. No. 79-112, at 2-375 (finding that there was no significant difference between a village administrator and a board of trustees of public affairs because both exercise the same functions).

One opinion of the Attorney General, 1939 Op. Att’y Gen. No. 1453, vol. III, p. 2134, advised that the position of village police chief is incompatible with membership on a village board of trustees of public affairs. It noted that a member of the board of trustees of public affairs was an officer of the village. G.C. 3808, the relevant law at that time, prohibited an officer of the village from having an interest in the expenditure of money on the part of the village other than his fixed compensation. The opinion concluded that a member of the board of trustees of public affairs for a village who also serves as a village police chief would be receiving compensation for services outside his duties as a board member. Thus, he would have an interest in the expenditure of money on the part of the village, other than his fixed compensation as a board member. Such an interest was prohibited by G.C. 3808 and so the two positions were found to be incompatible.

G.C. 3808 was reenacted as R.C. 733.78, and the latter section has since been repealed. *See* 1971-1972 Ohio Laws, Part II, 1866, 2032 (Am. Sub. H.B. 511, eff. Jan. 1, 1974). Although R.C. 2921.42(A)(4) similarly prohibits a public official from having an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision with which the public official is connected,

duties as are prescribed by ordinance or by law and are not inconsistent” with the Revised Code.⁴

Pursuant to R.C. 731.141, the village administrator shall make contracts, purchase supplies and materials, and provide labor for any work under the administrator’s supervision involving not more than \$50,000.00. When an expenditure exceeds \$50,000.00, other than compensation of village employees, the expenditure shall first be authorized and directed by ordinance of the legislative authority of the village and in certain circumstances will be subject to a competitive bidding process. R.C. 731.141. In addition, the legislative authority of a village may provide, by ordinance, for central purchasing for all offices, departments, divisions, boards, and commissions of the village, under the direction of the village administrator, who shall make contracts, purchase supplies or materials, and provide labor for any work of the village in the manner provided by R.C. 731.141. *Id.* To this end, the Village of Walbridge has an ordinance that states the “village administrator is authorized to approve invoices, estimates, contracts, and other expenditures up to five thousand dollars (\$5,000) without prior approval by the council. Any expenditure in excess of five thousand dollars (\$5,000) must be approved by a majority vote of council members present, at a scheduled council meeting.” Village of Walbridge, Ohio, Code § 123.03.

An examination of the duties of the positions with which you are concerned discloses several potential conflicts of interest. Most notably, the Village of Walbridge has chosen to give the village administrator the ability to “approve invoices, estimates, contracts, and other expenditures up to five thousand dollars (\$5,000) without prior approval by the council.” *Id.* Thus, the village administrator in Walbridge has the authority to approve expenditures up to \$5,000.00 for the police department without prior approval by the council. A village administrator who is also the village police chief would be “exposed to influences that may prevent him

the Ohio Ethics Commission and not the Attorney General has jurisdiction to interpret this statute. *See* note 2, *supra*.

As to opinions or laws regarding street commissioners, the Revised Code specifically provides that a village police chief is eligible to be the street commissioner. R.C. 735.31. Moreover, a 1912 opinion of the Attorney General likewise found those positions compatible. 1912 Op. Att’y Gen. No. 179, vol. I, p. 1925.

⁴ The Revised Code also empowers the legislative authority of a village to authorize, by ordinance, the village administrator to enter into a contract, without advertising or bidding, for the purchase of used equipment or supplies at an auction open to the public, R.C. 735.052, or for the services or the purchase of material, equipment, or supplies from any department, division, agency, or political subdivision of the state, or with a regional planning commission pursuant to R.C. 713.23(D), R.C. 735.053. The Village of Walbridge has no such ordinances and so these duties and any potential conflicts that arise under them for an individual acting as a village administrator and village police chief are not addressed in this opinion.

from making completely objective, disinterested decisions,” 1994 Op. Att’y Gen. No. 94-013, at 2-61, when approving expenditures for the police department because he may be inclined, due to his role as village police chief, to approve expenditures for more than what he might otherwise approve. The potential for a conflict of interest is thus presented because the village administrator is subject to influences that may prevent him from discharging his duties objectively and in a completely disinterested fashion.

This potential conflict, however, does not render these two positions incompatible. First, the village administrator’s ability to approve expenditures for the police department without approval is limited to just those expenditures up to \$5,000.00. Village of Walbridge, Ohio, Code § 123.03. An expenditure in an amount greater than \$5,000.00 must be approved by the village legislative authority. As to expenditures up to \$5,000.00, the ordinance authorizing the village administrator to approve these types of expenditures uses permissive, not mandatory language. *Rollersville & Portage Free Tpk. Rd. Comm’rs v. Sandusky Cnty. Comm’rs*, 1 Ohio St. 149, 150-52 (1853) (reading a statute authorizing county commissioners to levy a tax as permissive, not mandatory); 2001 Op. Att’y Gen. No. 2001-037, at 2-224 (reading the word “authorized” as permissive). *But see Chase v. United States*, 256 U.S. 1, 8 (1921) (noting that a person “authorized” is a person “commanded” when dealing with issues of public concern); *Turner v. Smith*, 81 U.S. 553, 559 (1871) (noting that the word “authorized” literally construed was permissive, but that it would be interpreted as mandatory where the power is conferred by statute on public officers in matters of public or individual benefit). The ordinance simply states the village administrator is “authorized” to approve expenditures up to \$5,000.00 without prior approval of the council. Thus, it does not prevent the village council from approving those expenditures if the council so requires. To protect against a conflict of interest, the village council should require that it approve all invoices relating to the police department. Thus, the council, and not the village administrator, would be the final decision maker for all of those expenditures.

Another conflict may arise if the the village administrator or his office is ever accused of wrongdoing and the village police chief becomes involved in investigating that accusation. *See, e.g.*, 2006 Op. Att’y Gen. No. 2006-010, at 2-89 to 2-90 (noting that when an investigator, who also serves in a second position as a public official, investigates matters involving the public office he serves, it would be difficult for him to set aside his loyalty to that public office and conduct an objective investigation). In this situation, a conflict would clearly exist because the village police chief would be placed in a position of investigating himself or his office as the village administrator. In such a situation he cannot discharge his duties in an objective and disinterested manner.

This potential conflict, however, does not render these two positions incompatible. Generally, there is a presumption that in the absence of evidence to the contrary, a village administrator will perform his duties in a regular and lawful manner. *See State ex rel. Speeth v. Carney*, 163 Ohio St. 159, 126 N.E.2d 449 (1955) (syllabus, paragraph 10) (“[i]n the absence of evidence to the contrary, public of-

officials, administrative officers, and public authorities, within the limits of the jurisdiction conferred upon them by law, will be presumed to have properly performed their duties in a regular and lawful manner and not to have acted illegally or unlawfully’); 2012 Op. Att’y Gen. No. 2012-017, at 2-150; 2003 Op. Att’y Gen. No. 2003-006, at 2-40; 2002 Op. Att’y Gen. No. 2002-021, at 2-139. In addition, should this conflict arise, it can be avoided by the police chief removing himself from any investigation that concerns the office of the village administrator. *See* 2004 Op. Att’y Gen. No. 2004-044, at 2-383 (whether an official may remove himself from any investigation is a question to be answered at the local level).⁵ Another person who does not have a conflict of interest, such as the county sheriff whose jurisdiction overlaps that of the village police chief, may perform the investigation instead. *See, e.g.,* R.C. 2935.03(A) (authorizing the county sheriff to arrest and detain individuals who violate the laws of the state, an ordinance of a municipal corporation, or a resolution of a township); *In re Sulzmann*, 125 Ohio St. 594, 597, 183 N.E. 531 (1932) (a county sheriff’s jurisdiction is coextensive with the county, including all the municipalities and townships); 1994 Op. Att’y Gen. No. 94-081, at 2-403 (same as previous parenthetical).

Applicability of Local Charter Provisions, Resolutions, or Ordinances, or Federal, State, or Local Departmental Regulations

For ease of discussion, we will address the sixth and seventh questions of the compatibility analysis together. Question six considers whether any local charter provisions, resolutions, or ordinances apply. The Village of Walbridge has not adopted a charter for its form of government under Ohio Const. art. XVIII, § 7. Whether there is an applicable local resolution or ordinance that prohibits a person from holding these two positions is a question for local officials to answer. *See* 2009 Op. Att’y Gen. No. 2009-018, at 2-133. For purposes of this opinion, it is assumed that no such local resolution or ordinance exists.

Question seven asks about the applicability of federal, state, and local departmental regulations. There is no state or federal regulation prohibiting an indi-

⁵ There may be other potential conflicts that arise that are too remote or speculative for us to address in this opinion (*e.g.*, conflicts that might arise while the village administrator carries out duties to collect unpaid utility rents and read meters pursuant to R.C. 735.29 or that arise while the village police chief issues permits authorizing oversized vehicles on local streets, pursuant to Village of Walbridge, Ohio, Code § 339.02(b)). Moreover, R.C. 735.273 authorizes the village administrator to have “such other powers and duties as are prescribed by ordinance or by law and are not inconsistent” with the provision of the Revised Code. *See* Ohio Const. art. XVIII, § 3 (“[m]unicipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws”). Accordingly, a village administrator who is simultaneously serving as a village police chief must “take care to avoid any potential conflict of interest that may arise” as a result of the village administrator simultaneously holding a position as village police chief. 2011 Op. Att’y Gen. No. 2011-023, at 2-192 to 2-193.

vidual from serving simultaneously in the positions of village police chief and village administrator. Whether an applicable local departmental regulation bars a person from simultaneously holding these two positions is a question for local officials to answer. *Id.*

Conclusion

For the reasons discussed above, it is my opinion, and you are hereby advised that a person may serve simultaneously as administrator and chief of police for the Village of Walbridge. As the administrator he may not approve invoices, estimates, contracts, or other expenditures for the village police department without the approval of the village's legislative authority. As village chief of police he must remove himself from any investigation concerning the office of village administrator.