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EDUCATION; COUNTY BOARD—COUNTY COMMISSIONERS, DUTY TO “FURNISH THE OFFICES,” §3319.19 R.C.—DOES NOT INCLUDE JANITOR SERVICE AND UTILITIES.

SYLLABUS:

The term “furnish the offices”, as used in Section 3319.19, Revised Code, does not include the furnishing of services of janitor and of utilities i.e., water, heat, light and telephone, and the board of county commissioners is not required to furnish such services for the county board of education.

Columbus, Ohio, February 25, 1959

Hon. Wilford R. Miller, Prosecuting Attorney
Tuscarawas County, New Philadelphia, Ohio

Dear Sir:

In your letter of January 15, 1959, you request my opinion with reference to the following specific questions:

“1. Under Section 3319.19, R.C., are the County Commissioners required to furnish janitorial services for the offices of County Board of Education?”

“2. Under Section 3319.19, R.C., are the County Commissioners required to furnish utilities for the offices of the County Board of Education?”

Section 3319.19, Revised Code, reads as follows:

“The board of county commissioners shall provide and furnish offices in the county seat for the use of the county superintendent of schools. Such offices shall be the permanent headquarters of the superintendent and shall be used by the county board of education when it is in session.”

As you pointed out in your letter, Section 3319.19, Revised Code, (which was formerly Section 4844, General Code, and, for the purpose at hand, is analogous with former Section 4744-6, General Code) had been the subject of opinions rendered by two of my predecessors, which are reported in Opinion No. 144, Opinions of the Attorney General for 1915, p. 278, and Opinion No. 581, Opinions of the Attorney General for 1951, p. 350.

In Opinion No. 581, *supra*, request was made for the interpretation of the phrase “furnish offices” and the syllabus reads as follows:

“Section 4844, General Code, requires not only that the county commissioners shall provide the physical quarters for an office for the use of the county superintendent of schools but also that the commissioners shall furnish such office with such furniture and equipment as are appropriate to the nature of the superintendent’s statutory duties and functions.”

It should be noted in this connection that the above conclusion was reached on the basis of giving the word “furnish” an expanded sense, and the question therefore arises whether or not it would be proper and reasonable to expand its meaning still further so as to include janitorial services and the furnishing of utilities, by which term I assume are meant water, light, heat and telephone. It appears to me that in view of the fact that the statute involved imposes a duty on the board of county commissioners, a further expansion of the meaning of the word “furnish” is not warranted, for it would clearly go beyond the legislative intent insofar as it can be read from the express words of the statute.

The important word to be considered in connection with the two questions at hand is “services.” One of the definitions, obviously applicable here, found in Webster’s New International Dictionary, reads:

“Any result of useful labor which does not produce a tangible commodity.”

While not squarely in point, a strong shaft of light is cast on problem posed here in Opinion No. 144, *supra*, where the question presented was whether the county commissioners or the county board of education is responsible for the payment of bills for “office supplies, stationery, etc.” In the course of that opinion it was said:

“I do not consider that this provision of the statute authorizes the payment of bills for statutory, *telephone services* and other expenses incident to the clerical work of the office of the county superintendent, out of the general county fund upon the approval of the county commissioners. (Emphasis added)

In the foregoing opinion it was noted that under former Section 4684, General Code, a county school district was not co-extensive with the county as a political subdivision of the state. This is still true under Section 3311.05 Revised Code, which is analogous to former Section 4684, General Code. Section 3311.05, Revised Code, reads as follows:

“The territory within the territorial limits of a county, exclusive of the territory embraced in any city school district, exempted village school district, and excluding the territory detached therefrom for school purposes and including the territory attached thereto for school purposes constitutes a ‘county school district.’”

Answering your questions, I am of the opinion that in the absence of express statutory provision to that effect the term “furnish the offices,” as used in Section 3319.19, Revised Code, does not include the furnishing of services of janitor and of utilities *i.e.*, water, heat, light and telephone, and the board of county commissioners is not required to furnish such services for the county board of education.

Respectfully,

MARK McELROY

Attorney General