

missioners are authorized to establish and acquire a county experiment farm. Such expressed authority carries with it implied authority to maintain and keep in repair that which the county acquires. Although Section 1177-8, supra, authorizes expending the proceeds, if any, from the sale of produce for the maintenance of the equipment of such a farm it cannot be successfully contended that unless there are such proceeds, the commissioners may not repair and maintain county property which it has lawfully acquired.

The limitations and restrictions of Section 1177-4, supra, relate only to expenditures for the *construction of buildings, drains and fences*, purchase of supplies, equipment and stock, etc., and for the labor necessary to the proper conduct of such a farm.

Under the implied power to keep in repair and maintain county property, such expenditures, as those about which you inquire, could lawfully be made, provided such expenditures are *not* for the purposes enumerated in Section 1177-4, supra, in which case the two thousand dollar limitation prescribed by said section applies. It is needless to cite authorities to the effect that painting buildings and work of similar nature are not construction but maintenance and repair. Whether or not the funds expended for the grading of the "drive" referred to in your letter were expended for the maintenance and repair of an existing road, or for the construction of a new one is a question of fact, which this office cannot determine upon the facts stated in your letter and the additional facts furnished in oral conference with your bureau. It is not believed, however, that your bureau will have any difficulty in determining this question when investigation is made.

Summarizing and answering your first question specifically it is my opinion that county commissioners are without authority to appropriate money in excess of two thousand dollars annually for any or all of the purposes enumerated in Section 1177-4, supra, but by virtue of their implied power to maintain and keep in repair county property, such board may lawfully expend money for repair and maintenance, if funds are available for such purpose.

The above answer to your first question makes unnecessary an answer to questions numbers two and three.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

---

598.

APPROVAL, NOTE OF MONROE RURAL SCHOOL DISTRICT, CARROLL COUNTY, \$2,400.00.

COLUMBUS, OHIO, June 10, 1927.

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