

1757.

COUNTY COMMISSIONERS—CANNOT AUTHORIZE PAYMENT FROM PUBLIC FUNDS—EXPENSES FOR REPRESENTATIVE TO ATTEND HIGHWAY CONFERENCE AND EXPOSITION—AMERICAN ROAD BUILDERS' ASSOCIATION.

SYLLABUS:

County Commissioners cannot authorize the payment from public funds of expenses for representatives appointed by them to attend a Highway Conference and Exposition held for the purpose of general display and information as to methods and materials.

COLUMBUS, OHIO, January 13, 1938.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN: This will acknowledge the receipt of your recent communication, which reads in part as follows:

"We are enclosing herewith copy of a resolution passed by a board of county commissioners, authorizing certain individuals to attend a highway conference and exposition of the American Road Builders' Association, to be held in Cleveland, Ohio.

We respectfully request your opinion upon the following question:

May the county commissioners legally pay, from public funds, expenses of representatives of the county who attend the Highway conference and Exposition of the American Road Builders' Association?

Inasmuch as this meeting is to be held on January 17th, will you kindly favor us with an early reply?"

The resolution enclosed by you recites the purpose of the convention and gives reasons for attendance of the representatives in the following language:

WHEREAS, the Conference program will include discussions of all major phases of highway and street construction and maintenance, together with discussions of latest practices in highway financing, administration, traffic safety and allied subjects, and

WHEREAS, the past year has brought important new

trends in federal aid for highway and street operations, including authorization of federal aid for farm-to-roads, and

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WHEREAS, the Highway Exposition offers the most economic method for engineers and officials to inspect and compare the latest developments in equipment and materials used in constructing and maintaining roads and streets,

NOW, THEREFORE, BE IT RESOLVED, That this Board authorizes the expenditure of funds sufficient to pay the expenses of three (3) representatives of the Board of Hamilton County Commissioners, to attend the Conference and Exposition of the American Road Builders' Association, and

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It is further stipulated in this resolution that the representatives are to make a report to the Board of County Commissioners covering "the latest approved and standard methods presented at the Annual Highway Conference and the new developments in equipment and materials at the Highway Exposition." The above given statements clearly indicate that attendance of the representatives in question will be made purely for the purpose of obtaining general information as to methods and materials.

In considering whether or not the expenses of a trip made for such a purpose can be paid from public funds, we must consider again the rule as to reimbursement of public officers for expenditures made in connection with their official duties. This rule has been reiterated in several opinions from this office dealing with situations which presented a question similar to that before us. In an opinion of the Attorney General for 1930, Volume II, page 1091, this rule is aptly and concisely stated, to-wit:

"Public officers on trips in quest of general information pertaining to the duties of their offices, made not with respect to a definite contemplated undertaking or course of action can not lawfully be reimbursed for their personal expenses incurred on the trip."

Other opinions furnishing precedent for this rule have been issued by this office.

In Opinions of the Attorney General for 1919, Volume I, page 143, it was held that public funds could not be used to pay expenses of a municipal officer attending a meeting of mayors and city solicitors held for the purpose of considering and drafting legislation for

relief in municipalities. In the 1930 opinion cited, *supra*, use of public funds in payment of traveling expenses for municipal officers and employees was prohibited even though such payment was authorized for attendance at a convention where general education and ideas relating to the officers in question were to be obtained. This opinion definitely establishes the rule that unless attendance at such a convention is for the purpose of acquiring information relative to and necessary for a definite, contemplated undertaking, an official's expenses cannot be paid. Lately, a 1937 opinion, No. 1681, issued from this office, further affirmed the rule. In the circumstances before us there exists no special purpose which may be the basis of an exception.

Therefore, the weight of authority being as it is, I am constrained to advise you that, however laudable and educational the American Road Builders Highway Conference and Exposition may be, the expenses for attendance by representatives from the board of county commissioners may not be paid from public funds.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1758.

APPROVAL—BONDS CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$25,000.00, PART OF ISSUE DATED NOVEMBER 1, 1934.

COLUMBUS, OHIO, January 13, 1938.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.
GENTLEMEN:

RE: Bonds of City of Cleveland, Cuyahoga County,
Ohio, \$25,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated November 1, 1934. The transcript relative to this issue was approved by this office in an opinion rendered to your board under date of January 27, 1937, being Opinion No. 49.