

OPINION NO. 70-061**Syllabus:**

1. Under Section 3315.06, Revised Code, a county board of education has express authority, in the case of educational meetings, and implied authority, in the case of discussion meetings, to pay the reasonable expenses of such meetings. These expenses may include rental of a meeting place, if absolutely necessary, printing and mailing cost for notices or bulletins, and other similar expenses necessary for the proper administration of such a meeting. It would also include payment for an outside speaker, but only for an educational meeting.

2. A county board of education has no authority to pay for the cost of food or drink served at the educational or discussion meetings provided for in Section 3315.06, Revised Code.

To: J. Warren Bettis, Columbiana County Pros. Atty., Lisbon, Ohio
By: Paul W. Brown, Attorney General, June 2, 1970

I have before me your letter asking for my opinion as to whether or not Section 3315.06, Revised Code, or any other statute, would allow the county board of education to pay for the cost of a dinner meeting to include dinners, speaker and other expenses, for all local board members and their superintendents.

This question involves determining whether the board has the

authority to pay the expenses for such a meeting and, if so, what expenses are allowable.

Section 3315.06, Revised Code, reads in pertinent part:

"* * * The board of education of each county school district may pay the expense of all educational meetings called by such board and may call a meeting of the members of the boards of all local school districts within the county at least once each year for the purpose of discussing the matters relating to the schools * * *."

Paragraph one of the syllabus of Harrison v. Board of Education, 60 Ohio App., 45 (1938), states:

"Boards of education are creatures of statute and as such have only such powers as are expressly conferred and such implied powers as are reasonably necessary to effectuate expressed powers."

You will note that Section 3315.06, supra, provides for two types of meetings — educational meetings and discussion meetings of the members of the boards of all local school districts. This statute expressly grants the county board of education the power to pay the expenses of all educational meetings called by it, but no similar power is given as respects the discussion meetings.

However, since the statute does grant the county board of education the power to call a discussion meeting, it is my opinion that, under the authority of the Harrison case, supra, the board has the implied power to expend the funds necessary for the administration of such a meeting.

Although the county board has the power to pay the expenses of both educational and discussion meetings, what expenses may be included?

Opinion No. 511, Opinions of the Attorney General for 1919, page 864, held that a county board of education had the implied authority to pay for the rental of a hall if absolutely necessary for holding the annual discussion meeting.

And, in Opinion No. 512, Opinions of the Attorney General for 1919, it was held that a county board calling an educational meeting could pay expenses such as printing, sending of notices to members and rental of a meeting place, if absolutely necessary.

Opinion No. 2333, Opinions of the Attorney General for 1925, held that there was no authority for a county board of education to pay for a speaker at a discussion meeting since such meeting was for the purpose of discussing school problems, and, accordingly, did not contemplate the presence of an outside speaker.

I am of the opinion, however, that in the case of an educational meeting, the county board of education has the authority to pay the reasonable cost of engaging a speaker for such a meeting. Having an outside speaker would seem to contribute to the purposes for which such meetings are called.

I also direct attention to paragraph three of the syllabus of The State, ex rel. The A. Bentley & Sons Co. v. Pierce, 96 Ohio St. 44 (1917), which reads:

"In the case of doubt as to the right of any administrative board to expend public moneys under a legislative grant, such doubt must be resolved in favor of the public and against the grant of power."

I am certainly well aware that in many cases the serving of a dinner or refreshments may result in greater attendance at a meeting and I do not wish to discourage persons from attending the educational or discussion meetings provided for in Section 3315.06, supra. However, it is extremely doubtful that the legislature intended to authorize a county school board to pay for the cost of food or drink at such meetings and in view of the holding in the Bentley case, supra, any doubts must be resolved against such expenditures.

Accordingly, it is my opinion and you are hereby advised:

1. Under Section 3315.06, Revised Code, a county board of education has express authority, in the case of educational meetings, and implied authority, in the case of discussion meetings, to pay the reasonable expenses of such meetings. These expenses may include rental of a meeting place, if absolutely necessary, printing and mailing cost for notices or bulletins, and other similar expenses necessary for the proper administration of such a meeting. It would also include payment for an outside speaker, but only for an educational meeting.

2. A county board of education has no authority to pay for the cost of food or drink served at the educational or discussion meetings provided for in Section 3315.06, Revised Code.