

18.

TOWNSHIP TRUSTEES—UNAUTHORIZED TO APPOINT AND COMPENSATE PERSON TO INVESTIGATE POOR CONDITIONS—COMPENSATION OF TOWNSHIP CLERK LIMITED TO \$250.00.

SYLLABUS:

1. *Township trustees are not authorized to appoint any person to make investigations or keep records in connection with poor relief and to pay him compensation therefor.*

2. *In allowing the township clerk compensation for his services in connection with poor relief, the trustees are limited by the provisions of Section 3308, General Code, and accordingly the clerk cannot receive from the township treasury for all his services to the township more than two hundred fifty dollars in any one year.*

COLUMBUS, OHIO, January 16, 1933.

HON. NORTON C. ROSENSTRETER, *Prosecuting Attorney, Oak Harbor, Ohio.*

DEAR SIR:—I am in receipt of your communication, which reads as follows:

“Recently the Board of Commissioners of this, Ottawa County, by the sale of bonds for the purpose, created a fund to be used in the administration of relief to the poor and needy in the various townships of the county. Each township upon application was given a part of this fund to be distributed by the trustees of the particular township, as such trustees deemed just and proper. The township of Portage, through this plan, was given about \$4,000.00 and placed in the township treasury to the credit of the poor relief fund. It appears as though most of the administration of this relief, necessary investigation and the keeping of records for that purpose within the township is falling upon the clerk and the work involved is far out of proportion to his compensation fixed by General Code Section 3308, which states as follows: ‘In no one year shall he be entitled to receive from the township treasury more than \$250.00.’

The trustees have expressed their willingness to appoint someone other than the clerk as an employee of the township to investigate the needs of such relief and to keep a record of its administration, providing they are unable under Section 3308 to give the clerk additional compensation therefor.

Will you kindly advise if the board of township trustees would have the authority to make such an appointment, or in lieu thereof, to give the clerk additional compensation for the administration of such relief.”

In an opinion rendered by my predecessor on September 22, 1932, to the prosecuting attorney of Trumbull County, being Opinion No. 4642, the following was held:

“Township trustees have no authority to appoint a person to make investigations of the poor and to pay him compensation therefor from the public funds.”

As township trustees have only such powers as are expressly conferred upon them by statute or are necessarily implied from the powers expressly given and since there is no statutory provision authorizing them to employ anyone to make investigations and to keep records in connection with poor relief, I concur in this opinion. However, it might be pointed out here that while relief or support is not to be given to a person without visitation or investigation, Section 3481 provides that where there is in a county a public charity organization, or other benevolent association, which investigates and keeps a record of facts relating to persons who receive or apply for relief, the township trustees shall accept such investigation and information and may grant relief upon the approval and recommendation of such organization.

As to compensation of the township clerk, Section 3308, General Code, reads as follows:

“The clerk shall be entitled to the following fees, to be paid by the parties requiring the service: twenty-five cents for recording each mark or brand; ten cents for each hundred words of record required in the establishment of township roads, to be opened and repaired by the parties; ten cents for each hundred words of records or copies in matters relating to partition fences, but not less than twenty-five cents for any one copy, to be paid from the township treasury; ten cents for each hundred words of record required in the establishment of township roads, to be opened and kept in repair by the superintendents; for keeping the record of the proceedings of the trustees, stating and making copies of accounts and settlements, attending suits for and against the township, and for any other township business the trustees require him to perform, such reasonable compensation as they allow. In no one year shall he be entitled to receive from the township treasury more than two hundred and fifty dollars.”

It follows from the wording of this statute that the trustees may allow the clerk compensation for his work in connection with poor relief but in so doing they are limited by the provisions of said statute that the clerk shall not receive from the township treasury more than two hundred fifty dollars in any one year. This provision obviously limits the trustees in allowing compensation to the clerk for all his services to the township to the total sum of two hundred fifty dollars in any one year.

I am therefore of the opinion that:

1. Township trustees are not authorized to appoint any person to make investigations or keep records in connection with poor relief and to pay him compensation therefor.

2. In allowing the township clerk compensation for his services in connection with poor relief, the trustees are limited by the provisions of Section 3308, General Code, and accordingly the clerk cannot receive from the township treasury for all his services to the township more than two hundred fifty dollars in any one year.

Respectfully,
JOHN W. BRICKER,
Attorney General.