

This authorization, however, does not go so far as to include township trustees. It will be noted that under Section 3481, *supra*, the township trustees apparently have power to appoint same individual to investigate their temporary or partial relief cases. However, there is no statutory provision allowing the township trustees to compensate such investigator. At this point, I direct your attention to two former Attorney Generals' Opinions, namely Opinions of the Attorney General for 1932, Vol. II, page 1106 and for 1933, Vol. I, page 18. The first branch of the syllabus of the 1933 opinion reads as follows:

“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.”

I affirm and concur in the foregoing opinions for the reason that township trustees have no express authority to compensate an investigator and in the absence of such authority they would be prohibited from entering into an agreement or contract with other subdivisions to appoint and help compensate a relief investigator.

It is therefore my opinion that county commissioners, city officials and township trustees may not enter into an agreement whereby the county commissioners or an agent appointed by them would investigate and handle temporary and partial relief cases for the contracting subdivisions; second, that municipalities have the right to appoint an investigator and would have the right under Section 2450-2, General Code, to enter into an agreement with other cities or municipalities for the appointment of an investigator and they may contribute to his compensation because of express statutory authorization; and third, that township trustees have no power to compensate from public funds an investigator, which they may appoint.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

751.

GOVERNING BOARD OF SUBDIVISION—DESIGNATION OF
PUBLIC DEPOSITORIES—AWARDING OF FUNDS BY
SECTION 2296-11, GENERAL CODE—PUBLICATION UN-
NECESSARY, WHEN—SECTION 2296-7, GENERAL CODE
—COUNTY, TOWNSHIP, AND CITY OFFICIALS MAY NOT

CONTRACT FOR COUNTY TO HANDLE PARTIAL RELIEF
CASES—INVESTIGATORS APPOINTMENT.

SYLLABUS:

In the event the governing board of a subdivision prior to the time for designation of public depositories as set forth in Section 2296-7, General Code, should determine in the valid exercise of its discretion that no public funds subject to its control will be awarded and on deposit as inactive deposits during the two-year period provided by Section 2296-11, General Code there is no requirement or authority for the publication of the notice provided by Section 2296-7, General Code.

COLUMBUS, OHIO, June 18, 1937.

HON. ROBERT E. FULLER, *Prosecuting Attorney, Findlay, Ohio.*

DEAR SIR: Your letter of recent date is as follows:

"I would appreciate the opinion of your office in regard to the following question, raised by the Board of Education of a Centralized School District in Hancock County:

If, pursuant to the provisions of Section 7 of the new uniform depository act (Am. H. B. No. 326), the 'governing board' of a subdivision shall determine that it will have no funds to deposit as 'inactive deposits,' may it designate public depositories and make 'active deposits' without the formality of first causing a copy of its resolution to be published for two weeks?"

Section 7 of the Uniform Depository Act, effective April 16, 1937, to which you refer has been codified as Section 2296-7, General Code. This section reads as follows:

"Each governing board shall, at least three weeks prior to the date when it is required by this act to designate public depositories, by resolution estimate the aggregate maximum amount, if any, of public funds subject to its control to be awarded and be on deposit as inactive deposits. The governing board of each subdivision shall cause a copy of such resolution, together with a notice of the date on which the meeting of the board for the designation of such depositories will be held and the period for which such inactive deposits will be awarded, to be published once a week for two consecutive weeks in two newspapers of opposite politics and of general circulation in the county. In the case of a subdivision located in more than

one county such publication shall be made in newspapers published in the county in which the major part of such subdivision is located, and of general circulation in the subdivision.

All deposits of the public moneys of the state or any subdivision made during the period covered by the designation, in excess of the aggregate amount so estimated shall be active deposits. Inactive and active deposits shall be separately awarded, made and administered as provided by this act."

The "governing board" referred to in the foregoing section in the case of a school district other than a county school district is, by virtue of the definitive provisions of Section 2296-1, General Code, paragraph i, a board of education. The date when such subdivisions are required by the Uniform Depository Act to designate public depositories is provided for by Section 2296-11, General Code. This section after providing for the designation of public depositories for public moneys of the state, reads as follows:

"Each other governing board shall meet on the third Monday of the month next preceding the date of the expiration of its designation of depositories under any law hereby repealed, or its next prior regular meeting date, and every two years thereafter, for the purpose of designating the public depositories of the public moneys of the subdivision, and at such meeting, or any adjourned session thereof, shall designate such public depositories and award the public moneys of the subdivision to and among the public depositories so designated, for the period of two years commencing on the date of the expiration of the next preceding designation. * * *"

The requirement contained in the first sentence of Section 2296-7, supra, that the governing board of a subdivision shall at the appropriate date by resolution estimate the aggregate maximum amount of public funds to be awarded and to be on deposit as inactive deposits, is qualified by the phrase "if any." In view of this qualification, there appears to be no requirement that the governing board of a subdivision shall pass the resolution provided for in the first sentence of this section if such board in the proper exercise of its discretion determines that it will not during the two-year period referred to in Section 2296-11, supra, have any public funds subject to its control to award and deposit as inactive deposits. The second sentence of Section 2296-7, supra, requiring publication, clearly refers to the resolution passed pursuant to the requirement in the first sentence,—that is to say, a resolution estimating

the aggregate maximum amount to be awarded as inactive deposits if it is determined that such deposits are to be made. This view is strengthened by a consideration of the fact that the second sentence of said section expressly provides that the notice shall set forth "the period for which such inactive deposits will be awarded."

Sections 2296-8 and 2296-9 relate to applications for an award of inactive deposits. Section 2296-10, General Code, similarly relates to application for an award of active deposits, and it would appear that under circumstances such as you present in your inquiry, some difficulty may be encountered in securing applications for the active deposits of the school district in the absence of any notice being published such as is provided for by Section 2296-7, supra. It might of course be contended that no reason is seen why the same notice should not be furnished to the banks and financial institutions in case active deposits only are to be awarded as in the case an award is to be made of inactive deposits. As to this, however, it is to be observed that it is a matter for the legislature. A careful reading of Section 2296-7, supra, discloses no requirement or authority for the publication of the notice therein provided in the absence of a determination that public funds are to be awarded and on deposit as inactive deposits. I find no ambiguity in the provisions of this section, and under such circumstances it is of course well established that where the language of the legislature expresses plainly and clearly the sense of the law-making body, there is no occasion to resort to other means of interpretation, the question being not what did the General Assembly intend to enact but what is the meaning of that which it did enact. *Slingluff, et al., vs. Weaver*, 66 O. S. 621.

In view of the fact that there appears to be no other provision in the Uniform Depository Act requiring publication of notice under such circumstances as are set forth in your letter, it is my opinion, in specific answer to your question, that such notice is not authorized or required.

Respectfully,

HERBERT S. DUFFY,
Attorney General.