

1649.

APPROVAL, FORM OF RESOLUTION TO BE USED IN PROPOSALS OF
COOPERATION WITH COUNTY COMMISSIONERS IN CONSTRUCTION
OF BRIDGES AND VIADUCTS.

COLUMBUS, OHIO, March 21, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my consideration a form of resolution to be passed by county commissioners in proposing cooperation with the Department of Highways as authorized under Section 1191 of the General Code, in the construction or reconstruction of bridges and viaducts.

In my Opinion No. 1402, issued under date of January 13, 1930, the form of cooperative contract was prescribed under Section 1200 of the General Code. In said opinion there was submitted a form of resolution proposing to cooperate in the construction and reconstruction of the highway as distinguished from a proposal to cooperate in the construction or reconstruction of the highway as distinguished from a proposal to cooperate in the construction or reconstruction of bridges and viaducts. Apparently, the same general provisions obtain, although, of course, they differ in certain details. For instance, under the provisions of Section 1191, the amount of a tax duplicate of a given county need not be taken into consideration in cooperative projects with reference to the construction or reconstruction of bridges and viaducts.

Upon consideration, it is my opinion that said form is a sufficient compliance with the provisions of Section 1191 of the General Code and its related sections, and accordingly the same is hereby approved and returned herewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1650.

APPROVAL, BONDS OF CLARK COUNTY—\$92,664.16.

COLUMBUS, OHIO, March 21, 1930.

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

1651.

SOLDIERS' RELIEF COMMISSION—SECRETARY LEGALLY ALLOWED
REASONABLE COMPENSATION FOR SERVICES.

SYLLABUS:

Under the provisions of Section 2932, General Code, the secretary of the soldiers' relief commission may be allowed a reasonable compensation for services rendered in

the performance of the duties of the commission by the county commissioners, upon the itemization of a proper bill presented in accordance with the terms of said section,

COLUMBUS, OHIO, March 22, 1930.

HON. E. B. UNVERFERTH, *Prosecuting Attorney, Ottawa, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication requesting my opinion, as follows:

“An opinion of your department is desired concerning the construction of Section 2932 of the General Code of Ohio under the following statement of facts:

There is a woman in this county, Mrs. E. G., who has served as secretary of the local chapter of the American Red Cross Society, and who is now serving as Secretary of the Soldiers' Relief Commission as organized under Section 2930 of the General Code of Ohio. She is the wife of a World War veteran. Under Section 2930, as amended by the last Legislature and which law became effective July 23, 1929, she was appointed Secretary of the Soldiers' Relief Commission in Putnam County.

Section 2932 provides as follows:

‘On the presentation of an itemized statement thereof, the county commissioners shall allow the persons composing the soldiers' relief commission, their actual expenses incurred in the performance of their duties, and a fair compensation for their services. The county auditor shall issue his warrant upon the county treasurer for the amount so allowed.’

As secretary of this soldiers' relief commission she does the relief work for all the soldiers in the county, such as filing applications for county relief, filing applications for pension with the pension bureau, filing applications for compensation and hospitalization with the veterans' bureau, securing additional evidence in the prosecution of claims before the veterans' bureau and looking after all matters regarding insurance, bonus, adjusted compensation, loans, etc., for world war veterans.

The commissioners of this county have stated to her that if it is possible to pay her a reasonable monthly salary they will do so. Therefore, I desire to know if under Section 2932 it is possible to pay to the secretary of the soldiers' relief commission a monthly salary for the services performed thereunder.”

Section 2930, General Code, which relates to the establishment of the soldiers' relief commission, provides:

“There shall be a commission known and designated as ‘the soldiers' relief commission,’ in each county, composed of three persons, residents of the county, each of whom shall serve for three years, and wherever possible one member of said commission shall be a wife or widow or son or daughter of an honorably discharged soldier, sailor or marine of the civil war or of the Spanish-American war or of the world war. Two of the persons so appointed shall be honorably discharged soldiers, sailors or marines of the United States, one of whom, wherever possible, shall be a member of the United States Spanish war veterans and the other shall be a member of the American Legion. On or before the first Monday in April of each year, a judge of the Court of Common Pleas in such county shall appoint one commissioner for such term.”

Section 2931, General Code, provides that the Commission shall select one of their number as president and one as secretary.

Section 2933, General Code, requires the soldiers' relief commission to appoint for each township and for each ward in any city in the county, a "soldiers' relief committee," consisting of three persons, residents of such township or ward, having the qualifications set forth in said section.

By the terms of Section 2934, General Code, the township and ward committee shall receive all applications for relief from persons residing in their respective townships or wards, and examine carefully into the case of each. Said committee is required to make a list of the names of all indigent soldiers, sailors and marines, and of their indigent parents, wives, widows, minor children, etc., who require aid, and are entitled to relief.

Under Section 2935, General Code, the township and ward committee is required to deliver the list of indigent persons entitled to relief, to the soldiers' relief commission of the county, or its secretary. It is also required to furnish a statement showing the income of each applicant, together with the amount of taxable property, both real and personal, owned by him. The statements above referred to, are required to be made upon blanks furnished by the soldiers' relief commission of the county.

Section 2936, General Code, which relates to the duties of the commission, provides:

"On such last Monday in May the commission shall meet and determine from such lists the probable amount necessary for the aid and relief of such indigent persons for the ensuing year, together with an amount sufficient in the judgment of the commission, to furnish relief to any such indigent persons not named on such lists, whose rights to relief shall be established to the satisfaction of the commission. After determining the probable amount necessary for such purpose, the commission shall certify it to the county commissioners, who, at their June session shall make the levy necessary to raise the required relief, not to exceed five-tenths of a mill per dollar on the assessed value of the property of the county hereinafter authorized."

Section 2937, General Code, which also relates to the duties of the commission, provides:

"On the fourth Monday of November of each year and at such other times as may be necessary, the soldiers' relief commission shall meet at the office of the county commissioners, or in a suitable room furnished by the county for that purpose, and examine carefully the lists and statements of those reported by the township and ward soldiers' relief committees, and also all cases not included in such lists, who, before and during their session, have been recommended to the commission for aid under these provisions. If satisfied that those so recommended, or any of them are in need of assistance and are entitled thereto under these provisions, the commission shall fix the amount to be paid each month in each case to such person or family."

Under Section 2938, General Code, the soldiers' relief commission is required to make a complete list of those to whom relief has been so awarded, showing the monthly allowances to each person, etc.

From the foregoing, it will be observed that the soldiers' relief commission of the county has numerous duties to perform as an incident to its official position. Obviously, it is essential that the secretary devote considerable time and attention in order that the records may be kept, showing the persons entitled to relief. When the

commission, proper, meets, it is necessary that accurate and detailed information be presented for its consideration, and while the lists are originally made up by the township and ward committees, it is obvious that much consideration must be given to said lists when eventually filed with the commission. Furthermore, it appears that the commission is not limited to the furnishing of relief to those lists that are furnished by the townships and wards, but on the other hand, may furnish relief to any such indigent persons not named on such lists, whose right to such relief shall be established to the satisfaction of the commission.

It would therefore seem that the commission, in order to properly function, would probably be required to have someone available most of the time, representing the commission. Logically, the secretary would be the officer to look after the clerical work of the commission.

Section 2932, General Code, which you have quoted in your commission, expressly requires the county commissioners, on the presentation of an itemized statement, to allow the persons composing the soldiers' relief commission their actual expenses incurred in the performance of their duties, and a fair compensation for their services.

There would seem to be no valid reason why the county commissioners could not allow compensation to the secretary in an amount sufficient to reasonably compensate her for the services rendered in the furtherance of the functions of the commission. While apparently such expenses are to be paid upon the presentation of an itemized statement thereof, there would seem to be no reason why such statement could not be rendered monthly.

From the foregoing, it would seem that the county commissioners may allow such sum as is reasonable for the compensation of the member of the soldiers' relief commission. A different amount would of course be required for the secretary, where the duties are more burdensome than those of the other members. While such a proceeding may not be the allowance of a monthly salary, as the term "salary" is generally understood, it in effect amounts to the same thing. Of course the county commissioners in the allowance of said compensation must be governed by the duties arising by reason of the secretary's work in connection with the relief commission, and not attempt to compensate the secretary in that capacity for other work foreign to such duties, irrespective of how worthy such services may be. However, it must be kept in mind that in many instances it is difficult to draw the line of demarcation between the duties of the county soldiers' relief commission and that of other relief agencies. That is to say, if, through the efforts of the secretary of the commission, an indigent person received compensation from the veterans' bureau, sufficient for his needs, this would have the effect probably of relieving the county of some of its burdens in respect to such person's support. If an application for county relief is made, it certainly would be the duty of the commission to investigate the matter. If in the investigation, the commission discovers that it cannot grant relief, but relief may be granted from some other source, it would be difficult to conclude that such service was not a part of its duties.

In view of the foregoing, and in specific answer to your inquiry, it is my opinion that under the provisions of Section 2932, General Code, the secretary of the soldiers' relief commission may be allowed a reasonable compensation for services rendered in connection with the duties of the soldiers' relief commission by the county commissioners upon the itemization of a proper bill presented in accordance with the terms of said section. There appears to be no reason why said allowances may not be made monthly.

Respectfully,
GILBERT BETTMAN,
Attorney General.