

3889.

NO AUTHORITY FOR COUNTY COMMISSIONERS TO PURCHASE
AUTOMOBILE CLUB MEMBERSHIPS.

SYLLABUS:

County commissioners cannot legally purchase memberships in automobile clubs under existing law.

COLUMBUS, OHIO, December 13, 1926.

HON. HARRY B. REESE, *Prosecuting Attorney, Jackson, Ohio.*

DEAR SIR:—In your recent communication you request my opinion on the following state of facts:

"The county commissioners of Jackson county, Ohio, desire to purchase two memberships in the Jackson County Automobile Club at ten dollars each in order to assure economical road breakdown service. They feel that within a year's time their payment of dues in the Automobile Club and the one dollar charge for road service will be more economical than the charge of several dollars for each breakdown on the road.

Will you kindly let me know if they are prohibited by law from joining the Automobile Club?"

In considering your inquiry it will be noted that in examining the provisions of the statutes which relates to the powers and duties of county commissioners there will be found no express provision authorizing such commissioners to become members of any association of the character you mention. In fact, officials representing any subdivision of the state are not authorized to co-operate in their official capacity with any private enterprise no matter how beneficial from a practical standpoint such an undertaking might be. There are instances wherein such county commissioners may appropriate money to societies semi-private in character, such as agricultural societies, but such contributions are made in pursuance to express provisions of the statute.

The case of *State ex rel. vs. Semple*, 112 O. S., 559, is interesting in connection with the inquiry presented. In that case the city of Cleveland undertook to make a contribution to support and maintain an organization known as "Conference of Ohio Municipalities." Council passed an emergency resolution authorizing the payment of a hundred dollars for membership in that organization. In considering the case the court found that there was no provision in the city charter authorizing such an expenditure, and no provision in the general law, and in effect, announced that such expenditure was a misapplication or misuse of public funds.

It is believed that in view of the principals announced in the decision referred to, by analogy it follows that the county commissioners cannot, under existing laws, legally purchase memberships in such an association as you describe.

Respectfully,
C. C. CRABBE,
Attorney General.