

OPINION 65-106**Syllabus:**

1. There is no authority in law which provides for the number of hours which public offices must be open. This decision is left to the discretion of the individual office holders.

2. There is no authority in law for the closing of the Court House on any particular day. The Court House cannot be closed unless all of the public offices housed in the Court House have been closed.

To: Thomas R. Spellerberg, Seneca County Pros. Atty., Tiffin, Ohio
By: William B. Saxbe, Attorney General, June 23, 1965

I have your letter requesting my opinion, reading as follows:

"Recently a majority of the office holders of Seneca County, Ohio, passed a petition to the County Commissioners requesting that the Court House be closed on Saturday mornings during the months of June, July and August. Some objection to this has been raised. I have been unable to find a section of the law which provides for the number of hours which public offices must be open, and I am unable to find the authority for closing the Court House on any particular day.

"Would you please advise me what is the authority governing this, and give me an informal opinion."

There is no statutory authority in regards to your request pertaining to the number of hours a public office is required to remain open. However, there are two Opinions of the Attorney General by my predecessors in this office which are directly in point.

In the second paragraph of the syllabus in Opinion No. 3480, Opinions of the Attorney General for 1954, page 32, it was stated:

"2. The General Assembly left to the sound discretion of the individually elected county officers the determination of the hours during which their offices should be kept open for the transaction of public business, and there is no legal inhibition against such officers closing their respective offices on Saturday morning."

Opinion No. 3480, supra, at page 34, deals briefly with legal holidays and my predecessor states, "From time immemorial, however, it has been the accepted custom for public offices generally to be closed on all or most of the days above mentioned." There is no statute requiring the closing of such public offices on legal holidays.

The issue involved in Opinion No. 6048, Opinions of the Attorney General for 1943, page 236, was whether the county commissioners had the authority to fix the opening and closing time of the county offices. The then Attorney General decided the county commissioners had no such authority and such authority was in the discretion of the various county officers.

The cases and statutes cited in the above Opinions have not been overruled, repealed, or amended, although Sections 2419 and 5979, General Code, which were used in Opinion No. 6048, supra, have been reenacted and are now Sections 307.01 and 1.04, Revised Code.

My research does not reveal any change in the law germane to consideration of your request; therefore, I am in accord with the logic expressed in Opinions No. 3480 and 6048, supra. The number of hours a public office should remain open is a matter to be determined by the individual county officer.

Concerning the matter of Saturday closing of the Court House, Opinion No. 3480, supra, stated in the first paragraph of the syllabus:

"There is no authority in law by which the county commissioners may order the Court House closed on Saturday mornings."

This conclusion is based on Opinion No. 6048, supra, stating that the county commissioners have no statutory authority to fix the opening and closing times of the various county offices.

Although Opinion No. 3480, supra, is limited to the commissions lack of authority to close the Court House on Saturday mornings, I feel the rationale reasonably can be extended to show their lack of authority to close the Court House on any particular day. The proposition that the commissioners have no authority to close the various county offices remains valid. Since no legislation has been passed giving the commissioners authority to close the Court House, it would follow that they have no such authority.

Obviously, if all county officers decided to close their offices on a particular day, the Court House could be closed. In Opinion No. 3480, Opinions of the Attorney General for 1954, the Attorney General discussed the problem of closing with special respect to the County Clerk of Courts and the sheriff, at page 35, as follows:

"* * * * *"

"* * * It is my opinion, however, that the clerk with the consent of the court may close his office on Saturdays.* * *"

"* * * * *"

"Since the sheriff in his civil jurisdiction appears also to be in many respects an arm of the court, it would seem that the consent of the court would also be required before closing the civil branch of the sheriff's office on Saturday mornings. I assume, of course, that no effort would be made to close that part of the sheriff's office charged with the enforcement, on a twenty-four hour basis, of the criminal laws."

"* * * * *"

Accordingly, in view of the foregoing, it is my opinion:

1. There is no authority in law which provides for the number of hours which public offices must be open. This decision is left to the discretion of the individual office holders.
2. There is no authority in law for the closing of the Court House on any particular day. The Court House cannot be closed unless all of the public offices housed in the Court House have been closed.