

OPINION NO. 69-090

Syllabus:

1. Section 325.20, Revised Code, specifically prescribes the method to be used in obtaining expense funds for a convention trip or one of like manner. Since Section 325.07, Revised Code, provides for travel expenses, it and not the additional funds provided in Section 325.071, Revised Code, should be looked to by the county commissioners in obtaining such funds.

2. Section 325.07, Revised Code, specifically provides funds for transporting prisoners from penal institutions. Since this section makes available the necessary funds, it is unnecessary to look to Section 325.071, Revised Code, for such funds.

To: Bernard W. Freeman, Huron County Pros. Atty., Norwalk, Ohio
By: Paul W. Brown, Attorney General, July 28, 1969

Your request for my opinion reads as follows:

"Under Section 325.071 of the Revised Code which provides additional funds for a county sheriff, may these funds be expended for the following purposes:

"(1) May the sheriff expend monies from this fund to attend an information conference at the National Sheriff's Association?

"(2) May the sheriff expend monies from this fund for the transportation of prisoners?"

In pertinent part, Section 325.071, Revised Code, reads as follows:

"There shall be allowed annually to the county sheriff, in addition to all salary and allowances otherwise provided by law, an amount equal to one half of the official salary allowed under section 325.06 of the Revised Code, to provide for expenses which may be incurred by him in the performance of his official duties and in the furtherance of justice.* * *"

As stated in Opinion No. 120, Opinions of the Attorney General for 1967:

"In its enactment of the new section of the code the legislature did not put any limitation on the expenses to be incurred other than that they should be 'in the performance of his official duties and in the furtherance of justice.'"

Section 325.071, supra, would thus be looked to for the answer to your specific questions in the absence of some more speci-

fic sections of the Code. Sections 325.07 and 325.20, Revised Code, do provide a more specific answer.

Section 325.07, supra, reads in part as follows:

"In addition to the compensation and salary provided by section 325.06 of the Revised Code, the board of county commissioners shall make allowances monthly to each sheriff for keeping and feeding prisoners, for his actual and necessary expenses incurred and expended in pursuing within or without the state or transporting persons convicted of crimes and offenses * * *.

* * * * * * * *

"For the purpose of making available to the sheriff funds necessary in the performance of the duties required of him under this section, the board may authorize, as an advancement to the sheriff, a sum not exceeding fifty per cent of his annual salary, from appropriations made to him by such board for pursuing prisoners within or without the state, or for transporting such prisoners to penal institutions, or both, and for transporting persons to the institutions enumerated in this section for which sum of money so advanced the necessary expenses for such transportation or pursuance may be paid by the sheriff.
* * *"
(Emphasis added.)

Thus Section 325.07 of the Revised Code, specifically provides for funds to be allocated to the county sheriff to be used to cover expenses involved in transporting prisoners. Since the necessary funds are provided under this section, there is no need to look to Section 325.071, supra, for these funds.

Section 325.20, supra, reads as follows:

"Except as otherwise provided by law, no elected county officer, and no deputy or employee of the county, shall attend, at county expense, any association meeting or convention, unless authorized by the board of county commissioners. Before such allowance may be made, the head of the county office desiring it shall make application to the board in writing showing the necessity of such attendance and the probable costs to the county. If a majority of the members of the board approves the application, such expenses shall be paid from the moneys appropriated to such office for traveling expenses."
(Emphasis added.)

Since this section directly covers the expenditure of county funds for convention trips by elected county officers, a county sheriff must obtain the prior approval of the county commissioners before making such expenditures. After approval is obtained the monies are to be paid from monies appropriated for travel expenses.

Section 325.07, supra, in addition to those portions quoted earlier, provides as follows in paragraph two:

"The board shall allow the sheriff his actual transportation expense and telephone tolls expended in serving civil processes and subpoenaing witnesses in civil and criminal cases and before the grand jury, and it may allow any other necessary transportation expense for the proper administration of the duties of his office.* * *"

(Emphasis added.)

Thus Section 325.07, supra, provides for such travel expenses and not Section 325.071, supra, which allows an amount equal to one-half of the official salary "in addition to all salary and allowances otherwise provided by law."

It is, therefore, my opinion and you are hereby advised:

1. Section 325.20, Revised Code, specifically prescribes the method to be used in obtaining expense funds for a convention trip or one of like manner. Since Section 325.07, Revised Code, provides for travel expenses, it and not the additional funds provided in Section 325.071, Revised Code, should be looked to by the county commissioners in obtaining such funds.

2. Section 325.07, Revised Code, specifically provides funds for transporting prisoners from penal institutions. Since this section makes available the necessary funds, it is unnecessary to look to Section 325.071, Revised Code, for such funds.