

3757.

QUESTIONS PERTAINING TO THE ANNEXATION OF TERRITORY
OF A RURAL SCHOOL DISTRICT TO AN ADJACENT CITY DIS-
CUSSED.

SYLLABUS:

Where territory of a rural school district is annexed to an adjacent city, and such annexation is finally consummated on the 10th day of May, 1926, such territory thereby becomes a part of the city school district of said city, and where the territory annexed does not include "school property" as mentioned in section 4690 G. C. there is no provision for division of indebtedness between such rural and city school districts. Furthermore, in such a case there is no provision for a division of the August settlement of taxes, and therefore such tax should be paid to the "district from which it was collected" as provided in section 7690 G. C.

COLUMBUS, OHIO, October 27, 1926.

HON. B. S. JOHNSON, *Prosecuting Attorney, Ravenna, Ohio.*

DEAR SIR:—This will acknowledge receipt of yours in which you request my opinion on the following:

"On May 10, 1926, a part of the territory of Ravenna township rural school district was transferred to Ravenna city school district by virtue of the city annexing such part of the township school district, but in the territory annexed there was not located any school property. The township school district has a bonded indebtedness and is carrying the required levy for the payment of the same as well as a levy for general operating expenses and teacher's retirement.

In what manner or by what method is this indebtedness to be divided between the township districts and the city districts; and likewise how are the taxes collected and distributed at the August 1926 distribution to be apportioned?"

In considering your inquiry, attention is directed to the provisions of section 4690 G. C. which reads as follows:

"When territory is annexed to a city or village, such territory thereby becomes a part of the city or village school district, and the legal title to school property in such territory for school purposes shall be vested in the board of education of the city or village school district. Provided, however, if there be any indebtedness on the school property in the territory annexed, the board of education of the city or village school district, shall assume such indebtedness and shall levy a tax annually sufficient to pay such indebtedness and shall pay to the board of education of the school district or districts from which such territory was detached, the amount of money collected from such levy as it becomes due."

The above quoted section is the only section of the General Code that contains any provisions whatever with reference to the adjustment of indebtedness between a township rural school district and a city district where a part of the territory of said rural district is attached to a city and thereby becomes a part of a city school district. The provisions of section 4690 seem only to apply where there is school property located within the territory transferred and annexed to the city district.

Therefore, I am of the opinion that there can be no division of indebtedness between the rural district and the Ravenna city school district.

With reference to your second question concerning the distribution of the August settlement of taxes, attention is directed to section 7600 G. C. wherein it is provided that:

“ * * * The school tax levied by boards of education and collected from the several districts * * * in the county shall be paid to the districts from which it was collected.”

It is believed that in view of the fact that the annexation of the territory into the city of Ravenna did not become final until the tenth day of May, 1926, and the further fact that the taxes in question had already been levied by the authority of the Ravenna township rural school district, and have probably already been appropriated and encumbered, should therefore be paid to said district.

Respectfully,

C. C. CRABBE,

Attorney-Gen. ral.

3758.

**EXPENSES OF QUARANTINE WHEN PATIENT IS UNABLE TO PAY—
PAID BY TOWNSHIP OR MUNICIPALITY IN WHICH QUARANTINE
IS MAINTAINED.**

SYLLABUS:

1. *The expenses of quarantine required to be paid under section 4436 when the patient is unable to pay, are to be paid by the township or municipality in which the quarantine is maintained.*
2. *In non-contagious cases a hospital may recover for necessary hospital care, rendered to one requiring public relief, from the township or municipality in which the patient resides when the provision in section 3480 in reference to notice, etc., has been complied with.*
3. *The county authorities may compensate a city hospital for relief furnished to a needy resident of another county and in turn collect from the county in which said patient resides.*

COLUMBUS, OHIO, October 28, 1926.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of your request for my opinion as follows:

“1. (a) Can a City Hospital, which furnishes or has furnished relief to one suffering from a *contagious* disease, who requires relief and is unable to pay for the same, recover, under section 4436 or any other section or sections of the General Code of Ohio, from a municipality or township within the *same* county, when the patient relieved is a legal resident of such last named municipality or township?

(b) If so, what is the necessary and proper procedure for such hospital to follow?