

legislative body of any municipality has authority to appropriate moneys for the purpose of cooperating with the government of the United States in the operation and maintenance of a National Re-employment Service. In view of this legislation I call your attention to my opinion to be found in Opinions of the Attorney General for 1934, Vol. I, page 799, which held as disclosed by the first branch of the syllabus:

"1. By virtue of House Bill No. 103, enacted by the 90th General Assembly in its second special session, the county commissioners have authority to expend county funds in the providing of quarters for a local Federal Re-employment Office and in equipping such quarters with telephone and other necessary and incidental equipment if money is appropriated by the county commissioners for such purpose."

In specific answer to your inquiry, however, it is my opinion that there is no authority for non-charter counties to expend money for the payment of rent, light, heat, water, and other office expenses for the purpose of carrying on the Federal Relief Administration in the county, such Administration at the present time being solely under the control of the Federal Government.

I am informed that there is a bill, House Bill No. 501, on the general subject of providing for the continuance of emergency poor relief in cooperation with the Federal Emergency Relief Administration and authorizing the issuance of bonds by counties and cities and the expenditure of public moneys for the purpose of cooperating with the Federal Emergency Relief Administration. Although this bill has been passed by the House of Representatives it has not yet passed the Senate. It may be that such bill would have some relevancy with respect to the question you ask, but inasmuch as it is not yet a law I must reserve commenting on its provisions.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4197.

APPROVAL, RESERVOIR LAND LEASE TO LAND AT INDIAN LAKE, LOGAN COUNTY, OHIO—BRUCE B. GAUMER.

COLUMBUS, OHIO, April 29, 1935.

HON. EARL H. HANEFELD, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication over the signature of the Chief of the Bureau of Inland Lakes and Parks, submitting for my examination and approval a reservoir land lease in triplicate, executed by the Conservation Commissioner to one Bruce B. Gaumer of Marysville, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$27.00, payable in semiannual installments of \$13.50, there is leased and demised to the lessee above named the right to occupy and use for cottage site and docklanding purposes that portion of the state property including Lot No. 47 of the revised plat of Minnewauken Island in Indian Lake, and being part of Virginia Military Survey No. 12276 in Stokes Township, Logan County, Ohio.

Upon examination of this lease, I find that the same has been properly executed by the Conservation Commissioner and by Bruce B. Gaumer, the lessee therein named. Upon examination of the provisions of the lease and of the conditions and restrictions therein contained, I find the same to be in conformity with statutory provisions relating to leases of this kind. I am accordingly approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

4198.

COUNTY COMMISSIONERS—MUST COMPLY WITH SECTIONS 2447 AND 2447-1, G. C., IN SELLING REAL ESTATE.

SYLLABUS:

1. *Where authority is extended by statute to public officers or boards to sell and dispose of public property, and the statute fixes the manner of consummating the sale, the terms of the authorization must be strictly complied with.*

2. *A board of county commissioners is without authority to sell real estate belonging to the county to a board of education within the county or to anyone else, without complying with the terms of Section 2447 and 2447-1, General Code, with respect to the passage of the proper resolution and the advertising for bids as fixed by the statute, regardless of the value of said property.*

3. *A board of county commissioners may by resolution adopted by a majority thereof, grant leases, rights or easements in real estate belonging to the county to municipalities and other governmental subdivisions without advertising for bids.*

COLUMBUS, OHIO, April 30, 1935.

HON. KENNETH KREIDER, *Prosecuting Attorney, Newark, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

"We respectfully request your opinion on the following set of facts:

The county owns a small tract of land which they wish to sell to the Board of Education of Licking Township. This is just a small strip of land and the sale price is only \$100.00.

Under Section 2447, it gives the county commissioners authority to sell any land, but they have to pass a resolution and advertise four times in a newspaper, and receive sealed bids for the same.

However, there is Section 7624-1, which gives authority to municipalities to sell real estate to boards of education without advertising.

In your opinion, would this section give the board of county commissioners authority to just sell the land, or does it apply strictly to municipalities?"

Counties have generally been held to be agencies of the state for the performance