

unexpired term. A majority vote of all the remaining members of the board may fill any such vacancy."

Section 4752, to which you refer, contains the general provision that a majority of the members of a board of education shall constitute a quorum for the transaction of business. Of course, as a general rule, in the absence of special provisions a board may act by a majority of a quorum. The section does not, however, in my opinion, repeal Section 4748, *supra*, containing express provisions as to the vote necessary to fill a vacancy in a board of education, notwithstanding the fact that Section 4752, General Code, was enacted in its present form in 1917, a date subsequent to the enactment of Section 4748. Section 4752, General Code, was in force and effect in its present form at the time of the rendition of the opinion to which you refer appearing in Opinions of the Attorney General for 1924, Vol. I, p. 137. The syllabus of this opinion is as follows:

"A vacancy in a county board of education can only be filled in accordance with the provisions of Section 4748, which provides that such vacancy shall be filled by a majority vote of all the remaining members of the board."

I concur in the foregoing opinion, and it is therefore not necessary to consider the question of whether or not the withdrawal of one of the members of the board from the meeting resulted in there not being a quorum at the time it was sought to elect the new member to fill the vacancy.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3024.

APPROVAL, BONDS OF PLAIN TOWNSHIP RURAL SCHOOL DISTRICT, STARK COUNTY, OHIO—\$165,000.00.

COLUMBUS, OHIO, March 5, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3025.

APPROVAL, THREE LEASES TO LAND AT BUCKEYE LAKE AND LAKE ST. MARYS—MRS. ELLA HARLOW—ELLA W. TURNER—DAVID H. PIPER.

COLUMBUS, OHIO, March 5, 1931.

HON I. S. GUTHERY, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval, through the Chief of the Bureau of Inland Lakes and Parks in the Division of Conservation, three leases in triplicate of certain parcels of State reservoir lands, which

parcels are more particularly described in said respective leases. The leases here in question are the following:

<i>Lessee</i>	<i>Location of Property</i>	<i>Valuation</i>
Mrs. Ella Harlow	Buckeye Lake	\$835.34
Ella W. Turner,	Buckeye Lake	1000.00
David H. Piper,	St. Marys or Grand Lake	600.00

The above mentioned leases are each for a term of fifteen years, and are executed under the authority of Section 471 and other sections of the General Code relating to the execution of leases of this kind, among which are Section 13965 et seq., General Code.

An examination of the above leases discloses that they have been properly executed and they are accordingly approved by me as to legality and form, which approval is evidenced by my authorized signature upon said leases and the duplicate and triplicate copies thereof, all of which are herewith returned to you.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3026.

APPROVAL, BONDS OF YORK TOWNSHIP RURAL SCHOOL DISTRICT,
MORGAN COUNTY, OHIO—\$45,000.00.

COLUMBUS, OHIO, March 6, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3027.

PHOTOSTATIC MACHINE—INSTALLED FOR USE OF COUNTY OFFICIALS—COUNTY COMMISSIONERS MAY NOT COMPEL ITS USE—CONDITIONS NOTED.

SYLLABUS:

1. *County commissioners have no authority to create a separate department of county government and appoint the necessary employes to operate a photostatic machine and compel other county officials to make use of the facilities thus provided. The commissioners may, however, if its use is necessary in connection with the work of their office, purchase such a machine, make it available for use by other county offices, and may, in the exercise of a reasonable discretion, refuse to purchase such a machine for any other office.*

2. *If a photostatic machine is installed in the county recorder's office, he may appoint the necessary employes, assistants or clerks for the operation of such machine in the business of the office.*

3. *The county commissioners may stipulate, upon the purchase of a photostatic machine, that it be available for the use of other county officers when not required by the office in which it is to be located.*