

There is no express statutory inhibition against one person holding more than one of the offices or employments of county dog warden, agent for the humane society and deputy sealer of weights and measures other than the inhibition imposed by the civil service laws. Neither are the respective offices incompatible at common law. It is a well established principal of law that if one individual performs the duties of the several offices, he is entitled to the salary of the several offices.

In specific answer to your inquiry, it is my opinion that:

1. The county dog warden is prohibited by the civil service laws from accepting employment as deputy sealer of weights and measures. Accepting such public employment would amount to taking part in politics, in violation of section 486-23, General Code.

2. The county dog warden can legally act as agent for the humane society provided he is regularly appointed by the humane society and his appointment approved by the probate judge. Approval of the appointment by the probate judge does not make the appointment political. It is a fact to be determined whether or not public need requires that an individual be employed full time to perform the functions of each of the two employments.

3. The offices or employments of deputy sealer of weights and measures and agent for the humane society are compatible. It is a matter of fact to be determined whether it is physically possible for one person to perform the duties of both employments, and further, it is necessary that the appointing officials agree upon the appointment of the one individual who is to act in the different capacities. It will be necessary that the county auditor who appoints the deputy sealer of weights and measures, appoint the same individual as the humane society appoints as their agent and the appointment of the agent be approved by the probate judge.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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DISAPPROVAL, NOTES OF TRIMBLE VILLAGE SCHOOL DISTRICT,  
ATHENS COUNTY, OHIO—\$6,968.00.

COLUMBUS, OHIO, March 23, 1933.

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

GENTLEMEN:—Re: Notes of Trimble Village School Dist., Athens County, Ohio, \$6,968.00.

I have examined the transcript of proceedings purporting to authorize the issuance of notes in anticipation of the receipt of state aid under authority of Amended Senate Bill No. 152 of the 90th General Assembly by the above school district. These proceedings have been taken by the county board of education under authority, as disclosed by the transcript, of Section 7610-1, General Code. This last mentioned section provides in so far as pertinent as follows:

“If the board of education in a district under the supervision of the county board of education fails to provide sufficient privileges for all the youth of school age in the district, or to provide for the continuance of

any school in the district for at least thirty-two weeks in the year, or to provide for each school an equitable share of school advantages as required by this title, or to provide suitable school houses for all the schools under its control, or to elect a superintendent or teachers, or to pay their salaries, or to pay out any other school money, needed in school administration, or to fill any vacancies in the board within the period of thirty days after such vacancies occur, the county board of education of the county to which such district belongs, upon being advised and satisfied thereof, shall perform any and all of such duties or acts, in the same manner as the board of education by this title is authorized to perform them. \* \* \*."

The foregoing section authorizes a county board of education under certain conditions and circumstances as therein set forth to perform any and all duties or acts in the same manner as a district board under the supervision of the county board is authorized so to do by Title V of the General Code. In the enactment of Amended Senate Bill No. 152 under which these notes have been sought to be authorized, the 90th General Assembly did not incorporate the act as part of Title V of the General Code. It is my view, therefore, that this special act of the legislature is not a part of Title V of the General Code and therefore county boards of education have no authority under Section 7610-1, General Code, to borrow money for a district under their supervision in anticipation of the receipt of state aid.

County boards of education are authorized to borrow money on the credit of a rural or village school district under their jurisdiction as set forth in Section 7596-1, General Code. This section provides in part as follows:

"In addition to the powers conferred in section 7610-1, the county board of education shall have the power, if necessary, to maintain in operation the schools of any school district of the county school district, with the advice and consent of the director of education, to borrow money on the credit of that village or rural school district, with like powers in respect thereto to those conferred by sections 2293-2, 2293-4 and 2293-19 upon the village or rural board of education. \* \* \* \* \*"

Sections 2293-2, 2293-4 and 2293-19, General Code, are part of the Uniform Bond Act. There is no reference in Amended Senate Bill No. 152, hereinabove mentioned, to the Uniform Bond Act and its provisions may not be considered as a part of that act. It follows that Section 7596-1, *supra*, confers no powers upon a county board of education with respect to the performance of acts authorized by Amended Senate Bill No. 152.

In view of the foregoing, it is my opinion that a county board of education has no authority to authorize notes of a school district under the jurisdiction of such county board in anticipation of the receipt of state aid under the provisions of Amended Senate Bill No. 152 of the 90th General Assembly, and I accordingly advise you not to purchase this issue.

Respectfully,  
 JOHN W. BRICKER,  
*Attorney General.*