

1091.

DISTRICT BOARD OF HEALTH—MEMBER OF BOARD MAY RESIGN  
AND THEREAFTER BE APPOINTED HEALTH OFFICER.

*A member of a general district board of health constituted under the Hughes and Griswold acts (sections 4404 et seq. G. C.) may resign and thereafter be legally appointed as health officer by the remaining members of said board, if such remaining members lawfully constitute a quorum thereof.*

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

GENTLEMEN:—Acknowledgment is made of the receipt of your recent request for the opinion of this department, as follows:

“A is a member of a district board of health constituted under the Hughes and Griswold acts. May he resign and then be legally appointed as health officer by the remaining members of said board?”

A careful examination of the Hughes and Griswold acts, so-called, discloses that there is no specific provision therein which would prevent the appointment as health officer of a former member of the district board of health who had resigned as such member prior to his appointment as such health officer.

By personal conference it is learned that the district board of health referred to in your letter is the board of a general health district. There is no general provision which prohibits such appointment, such as section 19, article 2, of the constitution relating to the exclusion of members of the general assembly from any civil office under the state which shall have been created, or the emoluments of which shall have been increased, during the term for which such members of the general assembly shall have been elected. In the absence of any such constitutional or statutory inhibition, it is the opinion of this department that a member of a general district board of health constituted under the Hughes and Griswold acts (sections 4404 et seq. G. C.), may resign and thereafter be legally appointed as health officer by the remaining members of said board, if such remaining members lawfully constitute a quorum thereof.

Very respectfully,

JOHN G. PRICE,  
*Attorney-General.*

1092.

DISAPPROVAL, DEFICIENCY BONDS OF GALION CITY SCHOOL DISTRICT IN AMOUNT OF \$36,000—CONTRARY TO PROVISIONS OF HOUSE BILL 567, SECTION 4, 108 O. L., 711.

COLUMBUS, OHIO, March 22, 1920.

*Industrial Commission of Ohio, Columbus, Ohio.*

RE: Deficiency bonds of Galion city school district in the amount of \$36,000, being 1 bond of \$1,000 and 14 bonds of \$2,500 each.

Gentlemen:—I have examined the transcript of the proceedings of the board of education and other officers of Galion city school district, relative to the above bond