

been for a year previous to his election a member or officer of the Board of Education.

Question: Are school superintendents of public schools, principals of public schools, or members of the teaching staffs eligible to be appointed members of a board of library trustees of a school district library?"

The only statutory limitations upon the eligibility of public library trustees to serve in that capacity are contained in Section 4004, General Code, with respect to trustees of municipal libraries; in Section 7636, General Code, as to trustees of public school libraries; and in Section 7643-2, General Code, as to trustees of county library districts.

Section 4004, General Code, provides that the custody, control and administration of free public libraries, established by municipal corporations, shall be vested in a board of six trustees, not more than five of whom shall belong to the same political party, and not more than three of whom shall be women.

Section 7636, General Code, provides, with respect to the board of library trustees of a public school library, established by favor of Sections 7631, et seq., General Code, that "* * * No one shall be eligible to membership on such library board who is or has been for a year previous to his election, a member or officer of the board of education."

Section 7643-2, General Code, limits the membership of boards of trustees of county library districts to residents of the district, but contains no other inhibition upon such membership. A teacher or principal or superintendent of schools cannot lawfully be a member of the board of education in the district in which he is employed, and is not, by reason of such employment an officer of the board of education which employs him. He, therefore, does not come within the inhibition imposed by Section 7636, General Code, upon the membership of a board of library trustees of a school district library.

I am therefore of the opinion in specific answer to your question, that school superintendents, principals of schools, and teachers in the public schools may lawfully be appointed and serve as members of the board of library trustees of the school district library in the district in which they are employed, as well as any other board of library trustees, providing they are residents of the district, and provided further, in so far as boards of trustees of school district libraries are concerned, that they had not been members or officers of the board of education in the district in which the library is located, for one year previous to their election to the said board of trustees.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3163.

APPROVAL—LEASE OF THE FIRST AND SECOND FLOOR OF THE
PURE OIL BUILDING FOR USE BY THE STATE OF OHIO FOR THE
STATE RELIEF COMMISSION.

COLUMBUS, OHIO, September 6, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication enclosing for my approval a certain lease, in quintuplicate, whereby The Gasco Realty Company, as lessor, leases and demises unto you, as Superintendent of Public Works and as Director of said Department, for the State of Ohio, for the use of the State Relief Commission, 12,000 square feet on the first and second floors of the Pure Oil Building, Chestnut and High Streets, Columbus, Ohio. Said lease is for a period from June 1, 1934, until December 31, 1934, at a monthly rental of nine hundred dollars (\$900.00).

Upon examination, I find the lease to be in proper form. A copy of a resolution of the board of directors shows that the vice-president of the Gasco Realty Company is authorized to enter into this lease on behalf of the company.

The encumbrance estimate, No. 33, shows that there is a sufficient balance in a proper appropriation account to pay the rental for the period of the lease, as required by section 2288-2, General Code.

Finding said lease in proper form, I hereby approve it as to form, and am returning it herewith to you, together with all other data submitted.

Respectfully,

JOHN W. BRICKER,

Attorney General.

3164.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE SAMUEL A. ESSWEIN HEATING AND PLUMBING COMPANY OF COLUMBUS, OHIO, COVERING THE CONSTRUCTION AND COMPLETION OF CONTRACT FOR MECHANICAL WORK AT BOWLING GREEN STATE COLLEGE, BOWLING GREEN.

COLUMBUS, OHIO, September 6, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works for the Board of Trustees of Bowling Green State College, Bowling Green, Ohio, and The Samuel A. Esswein Heating and Plumbing Company of Columbus, Ohio. This contract covers the construction and completion of contract for mechanical work for a project known as Alterations to Chemical Laboratory and Stock Room, Bowling Green State College, Bowling Green, Ohio, in accordance with Item No. 2 of the Form of Proposal dated August 3, 1934. Said contract calls for an expenditure of one thousand three hundred and sixty-nine dollars (\$1,369.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. In addition, you have submitted a contract bond upon which the Massachusetts Bonding and Insurance Company of Boston, Massachusetts, appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.