

3144.

MEMBERS—BOARDS OF EDUCATION OF RURAL SCHOOL DISTRICTS CONTAINING MORE THAN 16 SQUARE MILES—UNAUTHORIZED TO RECEIVE COMPENSATION FOR MORE THAN 10 REGULAR MEETINGS A YEAR.

SYLLABUS:

Under the provisions of Section 4715, General Code, members of a board of education of a rural school district may not receive compensation for more than ten regular meetings in any year.

COLUMBUS, OHIO, April 11, 1931.

HON. EDWIN S. DIEHL, *Prosecuting Attorney, Defiance, Ohio.*

DEAR SIR:—Your recent opinion request reads:

“A question concerning the compensation of members of board of education in rural school district has been brought to my attention.

The members of board of education of Defiance Township have been receiving the sum of \$2.00 for each regular meeting attended and have drawn for an entire year the sum of \$24.00 for each member. Section 4715 of the Ohio General Code provides compensation of \$2.00 for each regular meeting actually attended by such member * * * but for not more than 10 meetings in any one year. Defiance Township contains more than 16 square miles.

In view of the dual construction which may be placed upon Section 4715 of the Ohio General Code my advice has been sought and after deliberation have advised the board that it was subject to the limitation contained in said section.”

Section 4715, General Code, reads as follows:

“Each member of the board of education of rural school districts, except such districts as contain less than sixteen square miles, shall receive as compensation two dollars for each regular meeting actually attended by such member, and members of such boards in rural school districts containing less than sixteen square miles shall receive one dollar for each meeting, but for not more than ten meetings in any year. The compensation allowed members of the board shall be paid from the contingent fund.”

The question you present is whether the limitation in the section of “not more than ten meetings in any year” applies to the members of boards of education of rural school districts containing more than sixteen square miles as well as to those rural school districts containing less than sixteen square miles.

In order to arrive at a proper interpretation of the section, it is necessary to consider its history.

The original enactment of this section, which provided for township boards of education, was passed by the 60th General Assembly, 70 Ohio Laws, 195. However, this section, which was then Rev. Stat. 3920, was changed in 99 Ohio Laws, 105, to read as follows:

"Boards of education of township school districts shall organize on the first Monday in January after the election of the board, by the election of one of their members president and the election of a clerk who may or may not be a member of the board, the president to be elected for one year and the clerk to be elected for a term not to exceed two years. They shall fix the time of holding regular meetings. Each member of the board shall receive, as compensation, two dollars, for each meeting actually attended for not more than ten meetings in any year. The compensation allowed to members of the board shall be paid from the contingent fund."

In the recodification of 1910, Rev. Stat. 3920 became Section 4713, General Code, and read as follows:

"Each member of the township board of education shall receive as compensation two dollars for each meeting actually attended by such member, but for not more than ten meetings in any year. The compensation allowed members of the board shall be paid from the contingent fund."

It is to be noted that this limitation applied to all township boards of education. This section was again amended in 1914 by the 80th General Assembly (104 Ohio Laws, 135) and read as follows:

"Each member of the board of education of rural school districts, except such districts as contain less than sixteen square miles, shall receive as compensation two dollars for each regular meeting actually attended by such member, but for not more than five meetings in any year. The compensation allowed members of the board shall be paid from the contingent fund."

This section established boards of education of rural school districts and limited the number of regular meetings per year to be held by any rural school board to five.

Section 4715, General Code, in its present form was passed by the 83rd General Assembly, and is found in 108 Ohio Laws, Pt. I, page 506. This section changed the former section by making a second classification in the types of rural boards of education and increased the number of authorized meetings to ten in any year.

I do not believe that by this enactment the legislature intended the original purport of the statute to be changed; so I am of the opinion that under the provisions of Section 4715, General Code, the members of a board of education of a rural school district may not receive compensation for more than ten regular meetings in any year.

This conclusion is strengthened by the examination of an opinion found in Opinions of the Attorney General for 1919, page 1515, the second branch of the syllabus of which reads as follows:

"Members of rural boards of education attending regular meetings of such board of education, if such meetings are held on and after August 28, 1919, H. B. 43, 108 O. L., are entitled to two dollars compensation for such attendance where the school district contains sixteen square miles

or more, and members of boards of education in rural school districts containing less than sixteen square miles are entitled to receive one dollar compensation for each meeting attended; but no member of any rural board of education shall be paid for more than ten meetings during the year 1919, and only regular meetings of the board of education can be paid for."

Respectfully,
GILBERT BETTMAN,
Attorney General.

3145.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR IN HANCOCK COUNTY—MAX STRINGFELLOW.

COLUMBUS, OHIO, April 11, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted a bond in the penal sum of \$5,000.00, with surety as indicated, to cover the faithful performance of the duties of the official as hereinafter named:

Max Stringfellow, Resident District Deputy Director in Hancock County—American Surety Company of New York.

Finding said bond to have been properly executed, I have accordingly approved the same as to form, and return it herewith.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3146.

APPROVAL, ABSTRACT OF TITLE TO LAND OF HEIRS OF N. B. MCCOY IN FRANKLIN TOWNSHIP, ADAMS COUNTY, OHIO.

COLUMBUS, OHIO, April 13, 1931.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval an abstract of title, warranty deed, encumbrance record No. 817 and certificate of the board of control, relating to the proposed purchase by the state of Ohio of a tract of 273 acres of land owned of record by the widow and heirs of N. B. McCoy, deceased, in Franklin Township, Adams County, Ohio, which tract of land is more particularly described by metes and bounds in the caption to said abstract and in the warranty deed above referred to.

Upon examination of the abstract of title submitted, I find that there are a number of defects in the record title to the several tracts making up the whole quantity of land here under investigation. And on account of the destruction of records which occurred in the Adams County Court House fire in February, 1910, and for other reasons, very few, if any, of said defects in the record title to this property can be corrected.

However, I find from the deeds of conveyance in the chain of title to the sev-