

The same conclusion contained in the opinion to which you refer has since been reached in the case of *Moxon vs. State*, 36 O. A. 24. Both in this case and in my opinion it is stated that inasmuch as membership on the board of trustees of the police relief or firemen's pension fund is not another public office or employment, it was unnecessary to decide whether sections 4600 and 4616 would override the provision of the city charter prohibiting a member of council from holding any other public office or employment.

In the case you present, which is that of a city which has no charter, it is immaterial whether or not membership on such board of trustees or the office of chairman or secretary thereof is an additional public office or employment. Sections 4600 and 4616, General Code, expressly provide that two of such trustees shall be elected from the council or other legislative body so that even if such trusteeship were a public office or employment it would have to be held to be an exception to the prohibition contained in sections 4207 and 3808, General Code. Since there is nothing in sections 4604 and 4620, General Code, which shows any intention that the election to the office of chairman or secretary is to be limited to the four members of such board of trustees who are not councilmen, and since such statutes expressly provide that the secretary may be paid compensation for his duties, I am of the opinion that where a councilman of a city which has no charter, who is a member of the board of trustees of the firemen's pension or police relief fund, has been elected secretary of such board, he may receive such compensation therefor as may be fixed by said board, in addition to his salary as councilman.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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4326.

APPROVAL, NOTES OF FOWLER TOWNSHIP RURAL SCHOOL DISTRICT, TRUMBULL COUNTY, OHIO—\$3,950.00.

COLUMBUS, OHIO, May 16, 1932.

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

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4327.

APPROVAL, NOTES OF CHAMPION RURAL SCHOOL DISTRICT, TRUMBULL COUNTY, OHIO—\$3,000.000.

COLUMBUS, OHIO, May 16, 1932.

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