

1058.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN JACKSON AND WAYNE COUNTIES, OHIO.

COLUMBUS, OHIO, March 5, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

1059.

SICK POOR—DUTY OF CARING FOR SUCH PERSONS—MUNICIPAL HEALTH DISTRICT BOARD NOT EXCLUSIVELY ACCOUNTABLE—TOWNSHIP TRUSTEES NOT RELIEVED OF THEIR DUTIES UNDER SECTION 3476 G. C. (108 O. L. 272).

*Section 4410 G. C., as amended in 108 O. L., 248, does not impose the duty of caring for the sick poor upon the municipal health district board exclusively, nor does it relieve the township trustees of their duties under section 3476, as amended in 108 O. L., 272.*

COLUMBUS, OHIO, March 6, 1920.

HON. ISAAC C. BAKER, *Prosecuting Attorney, Hamilton, Ohio*

DEAR SIR:—Acknowledgment is made of the receipt of your recent request for the opinion of this department.

Your first two questions relate to the power of the district health board to elect and employ one of their own members as district health commissioner.

It is believed that this question is practically answered by opinion No. 983, rendered by this department to the prosecuting attorney of Van Wert county, under date of February 3, 1920, a copy of which is herewith enclosed. While that opinion did not relate directly to the office or employment referred to in your inquiry, it is believed that the general rule therein discussed is alike applicable to such office or employment.

With the consideration of those general principles discussed in that opinion, section 4411 G. C., as supplemented in 103 O. L., 436, may be considered. This section remains unaffected by the Hughes and Griswold acts, and provides in part:

“Section 4411-1. The board shall determine the duties and fix the salaries of its employes; but no member of the board of health shall be appointed as health officer or ward physician.”

It is noted that the reference here is to health officer the name of whose position is changed to health commissioner by the later act, but by this section in force it is believed that the term used in section 4411-1, “health officer” must be construed to mean “health commissioner.”

Your third question inquires as to whether or not, by reason of the amendments to the health laws contained in the Hughes and Griswold acts, it is made the exclusive and mandatory duty of the district boards of health to care for the sick poor, thereby relieving the township trustees of that duty, and involves the construction of section 4410, which, in its present form, provides that the board of health “shall care for the sick poor,” and raises a question if the duty of caring for the sick poor is not cast exclusively upon the district board of health, thereby relieving the township trustees from that duty.