

law on the subject as to that municipality. That provisions adopted by a city might differ from the general laws within the limits defined was not only expected but the very purpose of the amendment was to permit such differences and make them effective."

This case was referred to and used as authority for the decision in the case of *State ex rel. Hile vs. Baker, et al*, 92 O. S. 506, in which a similar question as to the method of the selection of sinking fund trustees was before the Court. While there was no opinion in that case, I believe that it involved the question of whether or not charter provisions could provide a method for the selection of such trustees differing from that prescribed by general law. The Court's conclusion was that such a method of selection was proper.

In the later case of *Hile vs. Cleveland*, 107 O. S. 144, one of the questions involved was also the charter provisions for the appointment of trustees for the sinking fund of the City of Cleveland. It was there claimed that the charter provisions violated Section 4507, General Code, relative to the appointment of such board. The Court disposed of this contention in a sentence on page 149 as follows:

"Upon the question of the sinking fund, *State ex rel. Hile vs. Baker*, 92 O. S., 506, is a specific authority in favor of the amendment."

We find therefore, three separate instances in which the Supreme Court of Ohio has approved a departure by charter provision from the method prescribed by general law for the selection of local boards and officers. Two of these cases involved the selection of a board of trustees of sinking funds. It may well have been argued in these cases, since the sinking fund is derived from taxation and the legislature had expressed itself as to how the persons to administer the fund should be appointed, this method was exclusive and could not be changed by charter provision. Apparently such an argument did not have any weight with the court.

Upon the authority of these decisions, and feeling as I do that the administration of the Firemen's Pension Fund is a matter of purely local concern, I am of the opinion that it is within the power of the council of the City of Cincinnati to provide by ordinance for a method of selecting the board of trustees of the firemen's pension fund of that city, which method differs from that prescribed by general law.

Respectfully,
EDWARD C. TURNER,
Attorney General.

845.

APPROVAL, BONDS OF VILLAGE OF BLUFFTON, ALLEN COUNTY—
\$8,000.00.

COLUMBUS, OHIO, August 9, 1927.