

890.

APPROVAL, FOURTEEN GAME REFUGE LEASES.

COLUMBUS, OHIO, September 18, 1929.

HON. J. W. THOMPSON, *Division of Fish and Game, Columbus, Ohio.*

DEAR SIR:—You have submitted the following leases relating to state game refuge:

<i>No.</i>	<i>Lessor</i>	<i>Acreage</i>
2027	Thomas B. Foster, Warren County, Hamilton Township.....	40.16
2026	William D. Miller, Muskingum County, Blue Rock.....	291
2025	Trustees of Camp Louisa, Jefferson County, Saline Township	108
2024	Della E. Foster, Warren County, Hamilton Township.....	321.01
2023	Aurelius R. Shaffer, Fulton County, Pike Township.....	87.08
2022	Arthur W. Eastman, Warren County, Hamilton Township....	87.87
2021	Mary Agnes Howard McClarren, Fulton County, Pike Twp...	293.04
2020	The Gotshall Mfg. Co., Fulton County, Pike Township.....	80
2019	Walter A. Tappan, Fulton County, Pike Township.....	80
2018	Walter A. Tappan, Fulton County, Pike Township.....	80
2017	Erwin M. Tappan, Fulton County, Pike Township.....	102½
2016	T. P. Struhsacker, Fulton County, Pike Township.....	253
2015	A. A. Chatfield, Fulton County, Pike Township.....	70
2014	S. L. Valentine, Fulton County, Pike Township.....	76

I have found the above leases to be in proper legal form and am returning them herewith with my approval endorsed thereon as to form.

Respectfully,

GILBERT BETTMAN,
Attorney General.

891.

OFFICES INCOMPATIBLE—SCHOOL PRINCIPAL AND MUNICIPAL COUNCILMAN.

SYLLABUS:

A principal in the public schools of the State of Ohio is ineligible to membership in the council of a municipality.

COLUMBUS, OHIO, September 19, 1929.

HON. J. FRANK POLLOCK, *Prosecuting Attorney, Painesville, Ohio.*

DEAR SIR:—Acknowledgment is hereby made of the request of your assistant, Mr. Harold U. Daniels, for an opinion, as follows:

“In the village of Willoughby a candidate for the village council is also principal of the Willoughby high school, which is a joint Willoughby Village and Willoughby Rural School District project. Under Section 4218 of the General Code, which provides that no member of the council shall hold any other public office or employment or be interested in any contract with the village, would this principal be ineligible for the position of councilman?”

Section 4218, General Code, referred to by you in your inquiry, reads as follows :

"Each member of council shall have resided in the village one year next preceding his election, and shall be an elector thereof. No member of the council shall hold any other public office or employment, except that of notary public or member of the state militia, or be interested in any contract with the village. Any member who ceases to possess any of the qualifications herein required or removes from the village shall forfeit his office."

In a former opinion of this office, reported in Opinions of the Attorney General for 1928, Vol. II, page 1120, it was held :

"Under the provisions of Section 4218, General Code, no member of the council of a village may legally hold any other public office or employment, except that of notary public or member of the state militia. The inhibition contained in the provisions of this section is not limited to holding another office in, or employment by, such village, but such inhibition extends to all other public offices and employments."

In an opinion found in the Annual Report of the Attorney General for 1912, at page 1638; it is held, as stated in the syllabus :

"A councilman by express provisions of statute may hold no other public office or employment, except that of notary public or member of the state militia, and therefore neither a principal of a high school nor a janitor in a public school building may hold the office of councilman."

In 1927, the Attorney General had occasion to consider the question of whether or not a teacher in the public schools was eligible to the position of councilman in a village. In his opinion, reported in Opinions of the Attorney General for 1927, at page 2555, it was held :

"Under the provisions of Section 4218, General Code, a person holding the position of school teacher is ineligible to membership in a village council."

On June 24, 1929, this office, in an opinion to Hon. Marion F. Graven, Prosecuting Attorney of Wayne County, held that a teacher in the public schools of the state is ineligible to membership in the council of a municipality.

There could be no objection to a principal employed in the public schools running for the office of councilman, but if elected thereto it would be necessary for him to resign one or the other of the positions.

In specific answer to your question, therefore, I am of the opinion that a principal in the public schools of the State of Ohio is ineligible to membership in the council of the village of Willoughby.

Respectfully,
GILBERT BETTMAN,
Attorney General.