

Note from the Attorney General's Office:

1934 Op. Att'y Gen. No. 34-3162 was overruled
by 1957 Op. Att'y Gen. No. 57-1245.

Upon examination of this lease, I find that the same has been properly executed by the Conservation Commissioner and by John C. Schmitt, the lessee therein named.

I further find upon examination of the provisions of this lease and of the conditions and restrictions therein contained, that the same are in conformity with the provisions of the sections of the General Code above referred to, and with those of other statutory enactments relating to leases of this kind.

I am accordingly approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3162.

LIBRARY—PUBLIC SCHOOL TEACHERS MAY BE APPOINTED TO
BOARD OF LIBRARY TRUSTEES.

SYLLABUS:

1. *School superintendents, principals of schools and teachers in the public schools may lawfully be appointed and serve as members of the board of library trustees of the school district library in the district in which they are employed, as well as any other board of library trustees, provided they are residents of the district, and provided further, in so far as school district libraries are concerned, they had not been members or officers of the board of education in which the library is located for one year previous to their election to said board of trustees.*

2. *School superintendents, principals of schools and teachers in the public schools are not by reason thereof, officers of the board of education which employs them.*

COLUMBUS, OHIO, September 6, 1934.

HON. PAUL A. T. NOON, *Ohio State Library, Columbus, Ohio.*

DEAR SIR:—This will acknowledge the receipt of your request for my opinion which reads as follows:

“You are respectfully requested to furnish this department your written opinion on the following:

Acting in an advisory capacity to public libraries of Ohio this department has been asked in numerous instances whether or not, superintendents, principals and teachers of public schools are eligible to be appointed members of a board of public library trustees while serving in their respective positions as members of a school staff.

Section 7636 of the General Code provides for the eligibility and appointment of boards of library trustees of school district libraries by the Board of Education of such school district. It is provided that no one shall be eligible to membership on such library board who is or has

been for a year previous to his election a member or officer of the Board of Education.

Question: Are school superintendents of public schools, principals of public schools, or members of the teaching staffs eligible to be appointed members of a board of library trustees of a school district library?"

The only statutory limitations upon the eligibility of public library trustees to serve in that capacity are contained in Section 4004, General Code, with respect to trustees of municipal libraries; in Section 7636, General Code, as to trustees of public school libraries; and in Section 7643-2, General Code, as to trustees of county library districts.

Section 4004, General Code, provides that the custody, control and administration of free public libraries, established by municipal corporations, shall be vested in a board of six trustees, not more than five of whom shall belong to the same political party, and not more than three of whom shall be women.

Section 7636, General Code, provides, with respect to the board of library trustees of a public school library, established by favor of Sections 7631, et seq., General Code, that "* * * No one shall be eligible to membership on such library board who is or has been for a year previous to his election, a member or officer of the board of education."

Section 7643-2, General Code, limits the membership of boards of trustees of county library districts to residents of the district, but contains no other inhibition upon such membership. A teacher or principal or superintendent of schools cannot lawfully be a member of the board of education in the district in which he is employed, and is not, by reason of such employment an officer of the board of education which employs him. He, therefore, does not come within the inhibition imposed by Section 7636, General Code, upon the membership of a board of library trustees of a school district library.

I am therefore of the opinion in specific answer to your question, that school superintendents, principals of schools, and teachers in the public schools may lawfully be appointed and serve as members of the board of library trustees of the school district library in the district in which they are employed, as well as any other board of library trustees, providing they are residents of the district, and provided further, in so far as boards of trustees of school district libraries are concerned, that they had not been members or officers of the board of education in the district in which the library is located, for one year previous to their election to the said board of trustees.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3163.

APPROVAL—LEASE OF THE FIRST AND SECOND FLOOR OF THE
PURE OIL BUILDING FOR USE BY THE STATE OF OHIO FOR THE
STATE RELIEF COMMISSION.

COLUMBUS, OHIO, September 6, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*