

Saunders, 120 U. S., 126, *Woodwell vs. U. S.*, 214 U. S. 82. With reference to this subject it is said in *Ruling Case Law*, Vol. 22, page 534:

“Where new duties are imposed on a public officer which are not within the scope of his office, and extra compensation is provided therefor, such increase in compensation is not within a constitutional provision prohibiting any increase in the compensation of any officer during his term of office.” See note 18, *Annot. Cases*, 404.

Fifth, a recreation board is empowered to contract for the use of an automobile to be used in furtherance of the activities of the board or for the use of any of its employes. Should the recreation director employed by the board use his own automobile in the performance of his duties, a proper allowance may be made for the maintenance of the same.

Respectfully,
GILBERT BETTMAN.
Attorney General.

1328.

APPROVAL, NOTES OF WESTERVILLE VILLAGE SCHOOL DISTRICT,
FRANKLIN COUNTY—\$125,000.00.

COLUMBUS, OHIO, December 24, 1929.

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

1329.

ELECTION—CITY CIVIL SERVICE COMMISSIONER ELECTED TO
COUNCIL—ELIGIBLE FOR LATTER OFFICE IF HE RESIGNS FROM
CIVIL SERVICE PRIOR TO BEGINNING OF TERM.

SYLLABUS:

1. *The inhibition against a councilman holding other public office or employment, found in Section 4207 of the General Code, relates to his term as councilman and not to some office or employment he held at the time of his election which was relinquished before he took office as councilman.*

2. *Where a person serving as member of a municipal civil service commission at the time of his election as councilman, resigns such position prior to the beginning of his term as councilman, he becomes eligible to take his seat in council.*

COLUMBUS, OHIO, December 24, 1929.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—I am in receipt of your request for my opinion, which reads as follows:

“At the November 1929 election, the electors of the city of ----- elected a person as councilman at large who, at the time of such election and at the present time, is a member of the City Civil Service Commission.