

3732.

APPROVAL, BONDS OF VILLAGE OF UNIVERSITY HEIGHTS, CUYA-  
HOGA COUNTY, OHIO—\$13,000.00.

COLUMBUS, OHIO, November 5, 1931.

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

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3733.

APPROVAL, BONDS OF VILLAGE OF UNIVERSITY HEIGHTS, CUYA-  
HOGA COUNTY, OHIO—\$10,000.00.

COLUMBUS, OHIO, November 5, 1931.

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

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3734.

APPOINTMENT—HIGH SCHOOL JANITOR—VALID.

*SYLLABUS:*

*Legality of appointment of high school building janitor discussed.*

COLUMBUS, OHIO, November 5, 1931.

HON. JOHN W. BOLIN, *Prosecuting Attorney, Athens, Ohio.*

DEAR SIR:—This acknowledges receipt of your recent request for my opinion, which reads:

“I would like to have your opinion upon the following case:

The Villages of Jacksonville and Trimble in Athens County own and operate a joint high school. It is governed by a board made up of four members (two from the boards of education of each of the villages of Jacksonville and Trimble).

On May 27th, 1931, I. C., then a member of the board of education of the Village of Jacksonville, filed an application together with other applicants, for the position of janitor of the joint high school building of the said villages. At a meeting of the same date of the joint high school board a vote was taken on the applicants resulting in a tie vote—two voting for applicant I. C. and two voting for applicant E. J. I. C. is a resident of the Village of Jacksonville and E. J. is a resident of the Village of Trimble.

At a later meeting of the board of the joint high school held on July 17th, 1931, another vote was taken on the applicants for said position with the same results.

At a meeting of the said board on July 23rd, 1931, a resolution was passed requesting the Athens County Board of Education to employ a janitor. The same evening after the meeting was adjourned I. C. filed his resignation as a member of the board of education of the Village of Jacksonville. At a meeting of the Athens County Board of Education held August 7th, 1931, a resolution was passed employing applicant I. C. as janitor.

Is this a legal appointment by reason of the fact that at the time I. C. filed his application he was a member of the board of education of the Village of Jacksonville?"

Section 7669, General Code, which is pertinent to your inquiry, reads in part as follows:

"The boards of education of two or more adjoining school districts, by a majority vote of the full membership of each board, may unite such districts for high school purposes. \* \* \*"

Section 7670, General Code, reads:

"Any high school so established shall be under the management of a high school committee, consisting of two members of each of the boards creating such joint district, elected by a majority vote of such boards. Their membership of such committee shall be for the same term as their terms on the boards which they respectively represent. Such high school shall be free to all youth of school age within each district, subject to the rules and regulations adopted by the high school committee, in regard to the qualifications in scholarship requisite for admission, such rules and regulations to be of uniform operation throughout each district."

A subsequent communication from you discloses the fact that I. C. was not a member of the joint high school committee of Jacksonville and Trimble villages.

It appears from the foregoing that at the time of I. C.'s appointment as janitor he was not a member of any board of education and so the inhibitions of the various statutes, prohibiting a member of a board of education having directly or indirectly any financial interest in the contracts of such board, would not apply.

Assuming that the joint high school committee of Jacksonville and Trimble Villages subsequently followed the recommendation of the Athens County Board of Education and appointed I. C. janitor, I am of the opinion that such appointment would be valid.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

3735.

APPROVAL, BONDS OF PAINESVILLE CITY SCHOOL DISTRICT, LAKE COUNTY, OHIO—\$20,000.00.

COLUMBUS, OHIO, November 6, 1931.

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

3736.

JURY FEES—NOT TAXABLE AS COSTS IN APPROPRIATION PROCEEDINGS FOR STATE HIGHWAY.

SYLLABUS:

*Jury fees may not be taxed as part of the court costs in a proceeding to appropriate property for state highway purposes.*