

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.