

1014.

LIBRARY — SCHOOL DISTRICT — MEMBERS OF BOARD OF TRUSTEES — MUST BE RESIDENTS OF SCHOOL DISTRICTS WHERE LIBRARY ESTABLISHED AND MAINTAINED.

SYLLABUS:

Members of the board of trustees for a school district library must be residents of the school district wherein the library has been established and is maintained.

COLUMBUS, OHIO, August 10, 1939.

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

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

“The Lima Public Library asks the following question:

‘Is it lawful for a school board to appoint to membership to a school district library board giving countywide service a citizen of the county receiving such service, but residing outside of the school district?’

Since the Board meets August 9, we would appreciate a decision on this question before that date.

The Lima Public Library is a school district one, but it gets county intangible tax support and is serving residents of the county by bookmobile. It has always been our understanding that even in such a situation, board members must be residents of the local school district. We will appreciate your early decision on this matter, if legal appointments from the county would be desirable.”

The authority for a board of education to establish and maintain a public library within its district is found in Sections 7635 et seq. of the General Code of Ohio. Said section 7635 provides in part, as follows:

“The board of education of any city, village or rural school district, by resolution, may provide for the establishment, control and maintenance in such district, of a public library, free to all the inhabitants thereof. It shall provide for the management and control of such library by a board of trustees to be elected by it as herein provided, which board shall hold title to all such library property. * * *”

The number and eligibility of trustees of such a library, the authority to appoint whom is fixed by said Section 7635 General Code, is provided for by Section 7636, General Code, which reads as follows:

“Such board of library trustees shall consist of seven members, who must be residents of the school district. 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. The term of office shall be seven years, except that at the first election the terms must be such that one member retires each year. Should a vacancy occur in the board, it shall be filled by the board of education for the unexpired term. The members of the library board must serve without compensation and until their successors are elected and qualified.”

The fact that such a library by resolution duly adopted, extends the benefits of its library service to all the inhabitants of the county in which it is located so that it may be qualified for participation in the proceeds of classified property taxes collected in the county as provided by Section 5625-20, General Code, does not serve to change the character of the library. It is still a school district library established and maintained by the board of education, and will not by reason of adopting the resolution mentioned above, become a county library. Provision is made by law for the establishment and maintenance of county libraries, and their establishment and maintenance is controlled by the statutes specifically relating thereto. See Sections 7643-1 to Section 7643-9, inclusive, of the General Code of Ohio.

The provisions of Section 7636, *supra*, wherein the qualifications of members of a school district library are set forth, are not ambiguous. Its language, wherein it provides that such trustees *must* be residents of the school district, is clear, definite and to the point.

I am therefore of the opinion that members of the board of trustees for a school district library must be residents of the school district wherein the library has been established and is maintained.

Respectfully,

THOMAS J. HERBERT,
Attorney General.