

now in the hands of the sheriff should be corrected accordingly, before the transaction for the purchase of this property is closed.

Encumbrance estimate or record No. 1124 which has been submitted to me has been properly executed and approved and the same shows that there is a sufficient amount of money in the proper appropriation account to pay the purchase price of this property which is as above noted, the sum of \$27,031.41.

It is likewise noted, from the certificate of the Board of Control, that the purchase of the above described property was approved by said board under date of July 7, 1930.

I am herewith returning to you said abstract of title, copy of deed which has been executed and acknowledged by the sheriff of Champaign County and which is now held by him, encumbrance estimate No. 1124, and Controlling Board's certificate.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2255.

APPROVAL, LEASE TO STATE RESERVOIR LAND AT LAKE ST. MARYS
—H. O. WAGGENER.

COLUMBUS, OHIO, August 22, 1930.

HON. PERRY L. GREEN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication over the signature of the Chief of the Bureau of Inland Lakes and Parks in the Division of Conservation, submitting for my examination and approval a certain reservoir land lease in triplicate executed by the State of Ohio through the conservation commissioner by which there is leased and demised to one H. O. Waggoner of Greenville, Ohio, for a term of fifteen years, a certain parcel of state reservoir land at Lake St. Marys, which lease grants to said lessee permission to occupy and use for cottage site and docklanding purposes only, that portion of the inner slope and water front and all the outer slope of the westerly embankment of Lake St. Marys, and the State land in the rear thereof, extending back to the State ditch that is included in the south-half of embankment lot No. 68, lying south of the center line of Section 12, town 6 south, range 2 east, as laid out by H. E. Whitlock under the direction of the Superintendent of Public Works in June, 1920; said half lot having a frontage of fifty feet, as measured along the top of the outer slope of said embankment, the state reserving therefrom the right to locate a driveway along the easterly side of the State ditch.

This lease, which is executed by the conservation commissioner under the authority granted to him under Section 471, General Code, as amended in the enactment of the conservation act by the 88th General Assembly, provides for the payment of an annual rental of eighteen dollars payable in semi-annual installments of nine dollars each.

Upon examination of said lease I find that the same is properly executed and that the provisions thereof are in conformity with said Section 471 of the General Code and with other statutory provisions relating to leases of this kind.

Said lease is accordingly hereby approved by me as to legality and form, which

approval is evidenced by my authorized signature upon said lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2256.

CITY HEALTH DISTRICT—EMPLOYES OF SUCH DISTRICT DO NOT
COME WITHIN THE PROVISIONS OF CIVIL SERVICE ACT.

SYLLABUS:

Employes of a city health district do not come within the provisions of the civil service act (Section 486-1 to 486-31 of the General Code, inclusive).

COLUMBUS, OHIO, August 23, 1930.

HON. CHARLES A. NEAL, *Director of Health, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date, which is as follows:

“I am in receipt of a request from a city solicitor asking for an opinion as to whether or not employes of a city health district are within the civil service laws as now provided for in the General Code, and if so, whether or not they come within the classified or unclassified service.

I shall be very glad if you will give this Department your opinion on these questions.”

Section 1261-16 of the General Code provides that for the purposes of local health administration, the state be divided into health districts and that each city shall constitute a health district and be known as a city health district, and that townships and villages in each county shall be combined into a health district and be known as a general health district.

Section 1261-20 of the General Code provides the necessary procedure for the union of city and general health districts.

Section 1261-21 of the General Code provides the necessary procedure for the union of two or more general health districts.

In Section 1261-30, General Code, it is provided that the district boards of health shall exercise all the powers and perform all the duties now conferred and imposed by law upon the board of health of a municipality, etc.

It will be further observed that Section 1261-39, General Code, makes provision whereby financial aid may be given to health districts by the state and Section 1261-40 of the General Code provides for the apportionment and the creation of a separate fund to be known as the “district health fund.”

It appears from an examination of these sections and other related sections that a municipal health district is a separate political entity. This view was recently expressed by me in an opinion rendered to you under date of February 4, 1930, in which I held that an ordinance passed by a municipality to the effect that any appointee receiving pay from the city must be a bona fide resident of the city, has no application to appointees of city health districts. In this opinion it was stated by me that a city health district is a separate entity from the municipal government, although it em-