

325.

APPROVAL, ABSTRACT OF TITLE TO LAND IN ALLEN COUNTY TO BE
USED FOR ARMORY PURPOSES.

COLUMBUS, OHIO., April 14, 1927.

HON. FRANK D. HENDERSON, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—The warranty deed and abstract of title covering the proposed conveyance of real estate in Allen county to the state of Ohio for armory purposes have been re-submitted to this department for examination.

Said abstract had been returned to you under date of March 30, 1927, at which time I approved the title, as shown by the abstract, and returned the deed for correction.

The corrections requested have now been made, and it is my opinion that the warranty deed as now submitted is in proper form to convey to the state of Ohio a fee simple title to the real estate in question.

Respectfully,
EDWARD C. TURNER,
Attorney General.

326.

CIVIL SERVICE—CLERK OF CITY COUNCIL IS UNCLASSIFIED—ASSISTANT
CLERK MAY BE CLASSIFIED OR UNCLASSIFIED.

SYLLABUS:

1. *The position of clerk of a city council is within the unclassified civil service.*
2. *The position of assistant clerk of a city council is or is not within the unclassified civil service depending upon whether said council has fixed the duties of such assistant clerk as legislative in character or otherwise. If such duties are legislative such position is within the unclassified civil service under the provisions of subsection 5 of section 486-8a, General Code.*

COLUMBUS, OHIO, April 14, 1927.

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

GENTLEMEN:—Acknowledgment is made of your recent request for an opinion which reads as follows:

“Section 4210 G. C. provides that council within ten days from the commencement of their term shall elect a president pro tem, a clerk and such other employes of council as may be necessary and fix their duties, bonds and compensation. This section further provides that the officers and employes of council shall serve for two years but may be removed for cause. In view of these provisions can a city civil service commission determine that the position of clerk of council and assistant clerk of council are in the classified service and compel either or both of these officers to take a competitive examination?”

Section 4210 of the General Code; referred to in your letter, provides: