

Note from the Attorney General's Office:

1938 Op. Att'y Gen. No. 38-1972 was overruled in part by 2013 Op. Att'y Gen. No. 2013-004.

poor except insofar as plainly inconsistent herewith, and the provisions of this act shall be construed as an additional method of supporting and providing for the aged poor."

The language of this last-quoted section is quite clear in providing old age assistance in the State of Ohio as additional relief for persons eligible thereto. It is a well established rule that an executor or administrator of the estate of a deceased person acquires for the purposes of his trust, all the personal property which the decedent owned at the time of his death for the purpose of the payment of debts of the decedent, and for distribution of the remainder to the persons rightfully entitled thereto. Once the warrant of the Auditor of State has been mailed to the recipient, that warrant is personal property of the recipient. The fact that it is thereafter lost or forged does not change the ownership therein.

Certainly the purpose of the act granting aid for the aged in Ohio is that eligible aged persons in need of this assistance may receive the same, and Section 1359-29, General Code, *supra*, gives ample authority for carrying this purpose into effect.

In specific answer to your question, it is therefore my opinion that where reimbursement on a warrant for old age assistance, which was cashed by a forged endorsement, is had on the death of recipient, the proceeds of such reimbursement should properly be paid to the administrator or executor of the estate of the decedent-recipient.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1972.

COUNTY TREASURER—MUNICIPAL PUBLIC LIBRARY—TAX
LEVY—VILLAGE TREASURER MUST ESTABLISH
PUBLIC LIBRARY FUND—LIBRARY TRUSTEES MUST
DIRECT AS TO DISBURSEMENTS—WHERE LIBRARY
TRUSTEE MOVES OUTSIDE LIMITS OF CORPORATION
—FORFEITS OFFICE.

SYLLABUS:

1. *Money that comes into the hands of the county treasurer by virtue of a special tax levy authorized under the provisions of Section 5625-6, General Code, for a municipal public library established in ac-*

cordance with the provisions of Sections 3620, 3939, 4004 and 4005, General Code, must be paid to the village treasurer. The village treasurer must establish a municipal public library fund and all disbursements against such fund must be directed by the trustees of the municipal public library and warrant drawn upon the village treasurer.

2. One who has been appointed as a trustee of a municipal public library, in accordance with the provisions of Section 4004, General Code, is a public officer and is required by the provisions of Section 4666, General Code, to be an elector within the corporation. If such a trustee moves outside of the limits of the village corporation he thereupon forfeits his office as trustee of the municipal public library.

COLUMBUS, OHIO, February 24, 1938.

HON. RAYMOND O. MORGAN, *Prosecuting Attorney, Wayne County, Wooster, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication which reads as follows:

“The Village of Shreve, an incorporated village in this county, established and maintains a municipal library in accordance with the provisions of General Code Section 4004, et seq., and I have been requested to obtain your opinion on the following questions.

Section 4004, General Code, provides:

“The erection and equipment, and the custody, control and administration of free public libraries established by municipal corporations, shall be vested in six trustees, not more than three of whom shall belong to the same political party, and not more than three of whom shall be women. * * * ”

Section 4005, General Code, provides:

“Except as provided in General Code, Section 4005-1, such trustees shall employ the librarians and necessary assistants, fix their compensation, adopt the necessary by-laws and regulations for the protection and government of the library and all property belonging thereto, and exercise all the powers and duties connected with and incident to the government, operation and maintenance thereof. * * * ”

The question desired is whether the moneys collected

through the county treasurer for the purpose of financing and maintaining said library shall be paid by our county auditor to the treasurer of the village or to a treasurer selected by the board of six trustees?

In this particular case the Board of Trustees for the library has organized and elected a President, Secretary and Treasurer and there is some controversy as to whether or not their treasurer should maintain his own account and issue warrants and checks in payment of bills contracted or whether the Board of Trustees only, has the authority to contract the bills and issue warrants on the city treasurer, who should then issue the checks?

Section 4006, General Code, provides:

“Any woman born or naturalized in the United States, of the age of 21 years and upwards, who has been a resident of the state not less than one year and of the municipality in which such library is established for a period of thirty days shall be qualified to be appointed and serve as such trustee.”

I can find no statutory provision setting forth the qualifications of a male member of the Board of Trustees and, in this particular case, one of the trustees appointed by the Mayor moved just outside of the corporate limits of the village and they are desirous of knowing whether by reason of the fact that he is no longer a resident of the Village of Shreve although he is living very near the corporate limits he must relinquish his office as such trustee and if so, whether he is qualified to sit as a member until his successor is appointed and qualified.”

From a reading of your letter, I assume:—that, the municipal corporation, the Village of Shreve, established the municipal library under authority of the provisions of Sections 3620 and 3939, General Code; that, such municipal library is maintained by a levy as provided for in Section 5625-6, General Code, as follows:

“The following special levies are hereby authorized without vote of the people:

* * * * *

b. For the library purposes of the subdivision, in accord-

ance with the provisions of the General Code, authorizing a levy or levies for such purposes, but only to the extent so authorized.

* * * * *

It is further assumed that the moneys referred to in your letter "collected through the county treasurer for the purpose of financing and maintaining said library" are "moneys" that have come into the hands of the county treasurer by virtue of a special levy as authorized by the provisions of Section 5625-6, supra, and not "moneys" from the proceeds of classified property taxes collected in the county.

Section 2689, General Code, which relates to the payment of the proceeds of a special tax levy to local treasurers reads as follows:

"Immediately after each settlement with the county auditor, on demand, and presentation of the warrant of the county auditor therefor, the county treasurer shall pay to the township treasurer, city or village treasurer, the treasurer of the school district, *or the treasurer of any legally constituted board authorized by law to receive the funds or proceeds of any special tax levy, or other properly designated officers delegated with authority to receive such funds or proceeds by such boards and subdivisions, all moneys in the county treasury belonging to such boards and subdivisions.*" (Italics the writer's.)

It is clear from a reading of Section 2689, supra, that the county treasurer can only pay the proceeds of the special levy for municipal library purposes to the treasurer of the board of the municipal public library, if such treasurer of the board of trustees of the municipal public library is "authorized by law to receive the funds or proceeds of any special tax levy."

Sections 4004 to 4006, General Code, inclusive, relate to municipal public libraries. From an examination of these sections, I am unable to find anything therein that can be construed or interpreted as authorizing the treasurer of a municipal public library to receive from the county treasurer the funds or proceeds of the special tax levy for library purposes, or as authorizing the treasurer of the municipal public library "to maintain his own account and issue warrants and checks in payment of bills contracted." Section 4004, supra, provides for the "erection, equipment, and the custody, control and administration of free public libraries, established by municipal corporations" and appointment, terms, etc., of trustees.

Section 4005, supra, authorizes employment of librarians, necessary assistants, fixing of compensation of said employes, and empowering

the board of trustees to "exercise all the powers and duties connected with and incident to the government, operation and maintenance" of a municipal public library.

Section 4005-1, General Code, provides that in a municipality where by will or otherwise, provision has been made for maintaining in perpetuity a public library, the board of trustees appointed by virtue of Section 4004, *supra*, may issue bonds for building and furnishing the public library and that the erection, equipment, maintenance and control of such library building is to be vested in the trustees of the municipal public library and the trustees of such a municipal public library are to enter into a written agreement with the trustees of the endowed public library for conducting, operating and maintaining a free public library; and further provides, that "if deemed necessary by the council of any such municipality, it may levy a tax and contribute to the expense of maintaining such library under the provisions of Section 4019, General Code." It may be contended that this last quoted provision from Section 4005-1, *supra*, authorizes a municipality to contribute proceeds from a special tax levy for library purposes, directly to the treasurer of a free public library maintained under the provisions of Section 4005-1, *supra*. However, since the question presented in this opinion relates strictly to a municipal public library established under the provisions of Section 4004, *supra*, a determination of whether or not proceeds from a special tax levy for library purposes may be paid directly to the treasurer of a free public library maintained under the provisions of Section 4005-1, *supra*, would have no effect whatsoever in determining the question herein presented.

It is important to observe:—that, in the case of the State Library, Section 797, General Code, provides that "all bills for expenses" approved by the board "shall be paid from the state treasury on the warrant of the auditor of state"; that, in the case of a school district public library, Section 7640, General Code, provides that the "proceeds of the tax levy for school district public library purposes shall be paid once by the county treasurer to the treasurer of the board of trustees of the school district public library, or other officer designated by such board to receive such funds; that, in the case of a county library by virtue of the provisions of Section 2976-15, General Code, all money realized from the levy made under the provisions of Section 2456, General Code "and all moneys received or collected by said trustees for the library shall be placed in the treasury of said county", to be known as the county library fund of which the "county treasurer shall be custodian" and all money paid therefrom by the county auditor drawing his warrant upon the county treasurer; that, in the case of a county library district, Section 7643-7, General Code, provides for the establishment of a county library district

fund of which the county treasurer is custodian and money shall be paid therefrom by the county auditor drawing a warrant upon the county treasurer.

It is significant to note that with the exception of a municipal public library established under the provisions of Sections 3620, 3939, 4004 and 4005, General Code, the legislature has made specific mention and provision for the payment of money collected and received by the county treasurer for the various types of public libraries that may be established in a county, to wit:—school district public library, county library, and county library district. The legislature not having made any specific provision for payment of the money collected by the county treasurer from a special levy for the maintenance of a municipal public library established under the provisions of Sections 3620, 3939, 4004 and 4005, supra, or having authorized the treasurer of the board of trustees of a municipal public library or some designated officer of the board of trustees of a municipal public library to receive the funds or proceeds of such special tax levy for library purposes in the county treasury belonging to such municipal public library, it must be held that under the provisions of Section 2689, supra, the “county treasurer shall pay to” the village treasurer the funds or proceeds of the special tax levy that has come into the county treasury for the municipal public library.

Attention is called to the case of *State, ex rel. Brickell, Treasurer, Board of Trustees of Columbus Public Library vs. Franklin County Treasurer*, 129 O. S., 604. The facts therein were: The Columbus Public Library qualified in accordance with the provisions of Section 5625-20, General Code, to participate in the proceeds of classified property taxes; that, the county auditor drew his warrant on the county treasurer in favor of the treasurer of the Board of Trustees of the Columbus Public Library for a certain amount of its share in the undivided classified tax funds in the county treasury; that, the county treasurer refused to honor said warrant and pay the same; that, an action in mandamus was instituted to compel the county treasurer to honor said warrant and pay to the Treasurer of the Board of Trustees of the Columbus Public Library, the certain amount upon the undivided tax funds in the county treasury to which said library was entitled. The writ of mandamus was allowed and the money paid to the Treasurer of the Board of Trustees of the Columbus Public Library. The syllabus in that case reads:

“Where the charter of a home-rule city provides for establishing and maintaining a free public library within the municipality, creates a board of trustees to be appointed by the mayor, and grants power to such board to hold in custody all library funds including those for the operation and extension of

the public library system (except funds appropriated by council for library purposes), but contains nothing which forbids or is inconsistent with extension of library service by such library to all the inhabitants of the county (excepting to the inhabitants of subdivisions maintaining a public library participating in the proceeds of classified property taxes), such board of trustees, in the exercise of its discretion, may make such extension of service and participate in the proceeds of the classified property taxes in accordance with the provisions of Section 5625-20, General Code."

It is evident, from a reading of the syllabus in the above case, that the court recognized that the charter provision made a distinction between funds appropriated by council for library purposes and other funds for library purposes, providing that only the latter could be held in custody by the Board of Trustees of the Columbus Public Library. The court included this exception in the language of its syllabus, although the case involved only proceeds of classified property tax, payment of which had to be made to the Treasurer of the Board of Trustees of the Columbus Public Library.

Section 5625-9, General Code, provides, in part, as follows:

"Each subdivision shall establish the following funds:

* * * * *

(d) A special fund for each special levy."

Section 4300, General Code, reads as follows:

"The treasurer shall receive and disburse all funds of the corporation including the school funds, and such other funds as arise in or belong to any department or part of the corporation government."

Section 4298, General Code, provides:

"The treasurer shall demand and receive from the county treasurer taxes levied and assessments made and certified to the county auditor by authority of the council, and by the auditor placed on the tax list for collection, and from persons authorized to collect or required to pay them, moneys accruing to the corporation from judgments, fines, penalties, forfeitures, licenses, and costs taxed in the mayor's or police courts, and debts due the corporation, and he shall disburse them on the order of such

person or persons as may be authorized by law or ordinance to issue orders therefor."

It is clear that by virtue of the provisions of Sections 5625-9, 4300 and 4298, supra, it is incumbent upon the village treasurer to establish a municipal public library fund, and make all disbursements against such fund.

By the provisions of Section 5625-33, General Code, municipalities in Ohio are expressly prohibited from making any expenditure of money except by a proper warrant drawn against an appropriate fund, and therefore, warrants issued for the disbursement of municipal funds must show upon their face the appropriation in pursuance of which the expenditure is made and the fund against which the warrant is drawn.

The issuance of a warrant can be directed only by the body or officer having control of the expenditure of the particular fund out of which it is to be paid.

By the provisions of Section 4240, General Code, council is invested and charged with the general management and control of the finances of the municipal corporation. However, as stated in 28 Ohio Jurisprudence, 862, "other municipal authorities may, however, be invested with the power to control, manage and disburse particular funds, and, in such case, the council ordinarily has no power to direct the issuance of warrants payable out of such funds."

The question therefore presents itself, as to who has the "power to direct the issuance of warrants payable out" of the municipal public library fund for a municipal public library established under the provisions of Section 4004, supra. It appears that this question is well answered in the case of *State, ex rel. The Froehlich & Emery Engineering Company vs. Evans, et al.*, 30 Ohio Appellate 419. The facts in that case were:—that, a consulting engineer rendered services in regard to an addition for the electric light and waterworks plant of the village without a written contract; that, bonds were sold for such addition and the receipts therefrom were placed in the water and light fund of the village, which was the fund in which the receipts of the village from water rents and the sale of electricity were placed and out of which the board of trustees of public affairs of the village paid the expenses of the operation of the waterworks and electric light plant; that, council passed an ordinance authorizing the village clerk to issue to the company a voucher for said sum of \$1,500.00, to be paid out of the water and light fund; that the clerk refused to issue the order or warrant and a writ of mandamus was sought to compel the clerk to issue it and the treasurer to honor it. In reaching its conclusion, the court cited the provisions of several statutes, among which were:

"Section 4361. The board of trustees of public affairs shall manage, conduct and control the water works, electric light plants, artificial or natural gas plants, or other similar public utilities, furnish supplies of water, electricity or gas, collect all water, electrical and gas rents, and appoint necessary officers, employes and agents. * * *

"Section 3960. Money collected for water works purposes shall be deposited weekly with the treasurer of the corporation. Money so deposited shall be kept as a separate and distinct fund. When appropriated by council, it shall be subject to the order of the director of public service. Such director shall sign all orders drawn on the treasurer of the corporation against such funds."

"Section 3961. Subject to the provisions of this title, the director of public service may make contracts for the building of machinery, waterworks buildings, reservoirs and the enlargement and repair thereof, the manufacture and laying down of pipe, the furnishing and supplying with connections all necessary fire hydrants for fire department purposes, keeping them in repair, and for all other purposes necessary to the full and efficient management and construction of water works."

Then, at page 425, the court stated:

"Moneys raised by the sale of bonds for the improvement of a waterworks and electric light plant which had been in existence and operation for some years are under control of the board of trustees of public affairs, and are to be paid out on the order of such board. In the case of *State, ex rel. Pebbles et al., Trustees, vs. Griffin, Treasurer*, 4 C. C., 156, 2 C. D. 474, affirmed by the Supreme Court of Ohio, without opinion, *Griffin vs. State, ex rel. Pebbles*, 21 W. L. B., 243, the court had under consideration Sections 2413, 2414 and 2415, Revised Statutes. These sections contained substantially the provisions of Sections 3960 and 3961, General Code, except that under the latter two sections appropriation must first be made by council before the board of trustees of public affairs can issue its order upon the treasurer for the disbursement of funds. In that case the court says:

"Sections 2413, 2426, 2429, 2431, Revised Statutes, in connection with other sections, seem to us to evince the intention of the Legislature to give, substantially, the whole care and control of the waterworks to those waterworks trustees, including

contract for enlargements and improvements thereto after their original erection. And we are of the opinion that the intention was and is to give them the control and disbursement of the moneys raised to pay for work done under the contracts which the trustees are empowered to make, and that such moneys are more properly moneys belonging to the waterworks funds under Section 2413, than city funds referred to in Section 2690, and that the provisions in the latter section were not intended to relate to waterworks funds. The statute is not as clear and definite as it might be, and some of its sections do not seem to be in entire harmony with others in this regard, but in view of all the provisions bearing on the subject, we think the legislative intention is that the moneys in question in this case, being moneys raised after the original construction of the works, and for their improvement, are to be paid out on the order of the trustees of waterworks under Section 2414, and that the treasurer is authorized and may be required to pay such orders of the trustees."

From the language employed in Section 4004, supra, "the erection and equipment, and the custody, control and administration of free public libraries established by municipal corporations shall be vested in six trustees", and in Section 4005, supra, "such trustees shall employ * * exercise all the powers and duties connected with and incident to the government, operation and maintenance thereof * * in the making of contracts" it must be said that it was the intention of the legislature to invest the trustees of a municipal public library with the control of the expenditure of the library fund, and that therefore, following the conclusion reached in the *Froehlich vs. Emery Engineering Company* case, supra, the issuance of a warrant for payment of any expenditure from the municipal public library fund must show on its face that it was directed by the trustees of the municipal public library. The village treasurer being the custodian of the fund, the warrant must be drawn upon such village treasurer.

Sections 4004 to 4006, General Code, inclusive, relating to municipal public libraries make no provision as to qualifications of members of the board of trustees of such a municipal public library other than those contained in Section 4004, supra, as quoted in your letter. Section 4006, supra, was enacted October 22, 1902. It is obvious that at that time such provision was necessary in order to make it possible for a woman to be appointed as trustee of a municipal public library.

Section 4666, General Code, reads as follows:

“Each officer of the corporation, or of any department or board thereof, whether elected or appointed as a substitute for a regular officer, shall be an elector within the corporation, except as otherwise expressly provided, and before entering upon his official duties shall take an oath to support the constitution of the United States and the constitution of Ohio, and an oath that he will faithfully, honestly and impartially discharge the duties of the office. Such provisions as to official oaths shall extend to deputies, but they need not be electors.”

From a reading of Section 4666, *supra*, it is evident that the answer to your second question is dependent upon whether or not one appointed as a member of the board of trustees of a municipal public library is an “officer of the corporation, or any department or board thereof.” If he is an “officer” it follows that he must be “an elector within the corporation.”

In 32 Ohio jurisprudence, 854, a public officer is defined as:

“Where an individual has been appointed or elected, in a manner prescribed by law, has a designation or title given him by law, and exercises functions concerning the public, assigned to him by law, he must be regarded as a public officer.”

A discussion of the term “officer” appears in the case of *DeRomedis et al. vs. Village of Yorkville, Ohio, et al.*, 21 O. N. P., 340, where at page 342, it was held:

“Judge Spear in the case of *State vs. Hunt*, 84 O. S., 149, in his opinion recognizes this difficulty and says:

‘We have not undertaken to enter the field of definition of office or officer. As given in the books they are multitudinous not to say multifarious. Indeed so varied are they scattered through the books that the ingenious barrister may find support to almost any proposition relating to the general subject, which the necessities of his case may seem to demand. But like maxims of the law when used indiscriminately and without judgment, they are apt to mislead. One which seems to have met with most favor perhaps is that an office is a public position to which a portion of the state sovereignty of the country attaches, and which is exercised for the benefit of the public.’

The Supreme Court in the case of *State, ex rel., vs. Brennan*, 49 O. S., 33, quoted in *State, ex rel. vs. Jennings*, 57 O. S., 426 says:

“It is safely within bounds to say that where, by virtue of

law, a person is clothed, not as an incidental or transient authority, but for such time as denotes duration and continuance, with independent power to control the property of the public, or with functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation of title, the position so created is a public office."

Throughout the opinion in the case of *State, ex rel., vs. Brennan* prominence is given to the fact that a public officer is one who exercises in an independent capacity a public function in the interest of the people by virtue of law, which is only saying in another form that he exercises a portion of the sovereignty of the people delegated to him by law."

In the case of *State, ex rel. vs. Brennan*, supra, at page 38, the court said:

"In passing it may be remarked that emolument, though an ordinary incident, is not a necessary one, as has been held in divers cases in this state."

Applying the tests set forth in the foregoing authorities, it clearly appears that one appointed as a trustee for a municipal public library in accordance with the provisions of Section 4004, supra, is a public officer. Such a trustee has public duties to perform; he is charged with the duty of participating as a member, in the employment of librarians and necessary assistants, fixing their compensation, adopting necessary regulations for protection and government of the libraries and all property belonging thereto, and exercising all the powers and duties connected with and incident to the government, operation and maintenance of the library for the inhabitants of the municipality. In the performance of his duty in maintaining, operating and controlling the property of the municipal public library, the trustee is exercising and performing a function for the benefit of the public. He "has a designation or title given him by law", that is, trustee of a municipal public library, and "exercises functions concerning the public assigned to him by law," that is, as set forth in Section 4005, supra, and therefore, "he must be regarded as a public officer."

Section 1 of Article V, of the Constitution of Ohio, provides:

"Every citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township or ward,

in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.”

Section 4785-3, General Code, reads in part, as follows:

“The term ‘voter’ shall mean a qualified elector.”

Section 4785-30, General Code, provides as follows:

“No person shall be permitted to vote at any election unless he shall have been a resident of the state for one year, of the county for thirty days, and of the voting precinct twenty days next preceding the election at which he offers to vote, provided that any qualified elector who in good faith removes from one precinct to another precinct in the same political subdivision at any time subsequent to the twentieth day preceding an election shall have the right to vote at such election in the precinct from which he moved wherein his voting residence had been legally established.”

It is obvious from a reading of Section 1, Article V, of the Constitution of Ohio and the provisions of Sections 4785-3 and 4785-30, *supra*, that the member of the Board of Trustees of the Shreve Public Library referred to in your letter, having moved out of the corporate limits of the Village of Shreve, is not an elector of the village of Shreve, and therefore, is not “an elector within the corporation” as required by the provisions of Section 4666, *supra*, and cannot be a member of the Board of Trustees of the Shreve Public Library.

In arriving at this conclusion, I am not unmindful:—that, Section 4004, *supra*, provides that “such trustees shall be appointed for four years and until their successors are appointed and qualified”; nor that, Section 8 of the General Code, reads as follows:

“A person holding an office or public trust shall continue therein until his successor is elected or appointed and qualified unless otherwise provided in the Constitution or laws.”

The provision of Section 8, *supra*, is based on the principle of law that “there can be no vacancy in an office so long as there is a person in possession of the office legally qualified to perform its duties.” (*State, ex rel., Attorney General vs. Robert Thompson*, 9 C. C. 161.)

However, this rule of law is not applicable in the instant case where

the trustee is not "legally qualified to perform" the duties of the office, having voluntarily removed from, and, disqualified himself as an elector of the municipal corporation.

In 32 Ohio Jurisprudence, page 1057, it is stated as follows:

"Where residence within certain territorial limits is made a condition to the holding of an office, either a voluntary removal therefrom by the officer or a change of such limits by the legislature and an omission to act by the officer amounts to a forfeiture of office."

This rule of law was well enunciated by our Supreme Court in the case of *State, ex rel. Abijah Ivcs vs. George W. Choate*, 11 Ohio, 511. The facts therein were:—that Choate at the time of his election to the judgeship of Huron County resided in Milan; thereafter, by an act of the General Assembly, Milan was attached to Erie County. The court held:

"The legislature may change the boundaries of a county, and when such a change places an associate judge within the limits of another county, who does not, within a reasonable time remove into the limits of the county for which he was appointed, he forfeits his office.

"A person who attempts to exercise the office of associate judge in a county wherein he does not reside, is guilty of intrusion and usurpation."

In view of the foregoing, and in specific answer to your questions it is my opinion that:

1. Money that comes into the hands of the county treasurer by virtue of a special tax levy authorized under the provisions of Section 5625-6, General Code, for a municipal public library established in accordance with the provisions of Section 4004, General Code, must be paid to the village treasurer; the village treasurer must establish a municipal public library fund and all disbursements against such fund must be directed by the trustees of the municipal public library and the warrant drawn upon the village treasurer.

2. One who has been appointed as a trustee of a municipal public library in accordance with the provisions of Section 4004, General Code, and thereafter moves outside of the limits of the village corporation forfeits his office as such trustee.

Respectfully,

HERBERT S. DUFFY,
Attorney General.