

ship be present. In reckoning a quorum the general rule is that, in the absence of a contrary provision affecting the rule, the total number of all the membership of the body be taken as the basis; and ordinarily a majority of the authorized membership of a body, consisting of a definite number of members, constitutes a quorum for the purpose of transacting business; but it is competent for the statute or constitution creating the body to prescribe the number of members necessary to constitute a quorum or to delegate to the created body the authority so to prescribe. And an assembly indefinite as to number may act by a majority of the members present at any legal meeting, no matter how small a proportion they may constitute of the whole number entitled to be present."

While Section 1261-18, supra, does not establish a fixed number of members who shall constitute a district advisory council in all general health districts, it does provide that this council shall be made up of a definite number of members determined by the number of townships and the number and population of municipalities not constituting city health districts within the general health district.

In view of the foregoing and in specific answer to your question, it is my opinion that a majority of a district advisory council of a general health district, such as is provided for in Section 1261-18, General Code, is necessary to constitute a quorum to transact business.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1946.

APPROVAL, BONDS OF MEIGS TOWNSHIP RURAL SCHOOL DISTRICT,  
MUSKINGUM COUNTY—\$9,000.00.

COLUMBUS, OHIO, June 5, 1930.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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1947.

TRANSFER OF TERRITORY—PETITION FILED WITH COUNTY BOARD OF EDUCATION BY THREE FOURTHS OF ELECTORS OF TERRITORY—CONSOLIDATION OF SUCH TERRITORY BY COUNTY BOARD BEFORE ACTING ON PETITION—DATE WHEN TRANSFER EFFECTIVE FOR PROPORTIONING FUNDS AND INDEBTEDNESS.

**SYLLABUS:**

1. *When power is given under the statutes to two different governmental agencies to act with reference to the same subject matter, exclusive authority to act with reference thereto is vested in the agency first acting under the power.*
2. *When three-fourths of the resident electors of school territory file a petition with the county board of education of the county school district of which such territory is a part,*