

2883.

APPROVAL, BONDS OF CITY OF CLEVELAND, CUYAHOGA COUNTY—  
\$20,000.00.

COLUMBUS, OHIO, July 2, 1934.

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

2884.

BOARD OF HEALTH—APPOINTMENT OF HEALTH COMMISSIONER  
EXTENDING BEYOND TERM OF BOARD—PECUNIARY INTEREST  
BY PUBLIC OFFICIAL IN CONTRACT.

SYLLABUS:

1. *In the absence of statute controlling the matter, an appointment of an officer or employee, or a contract for personal services made by a public officer or board, when the duties of the appointee or the services contracted for involve supervision by the appointing or contracting power, other than the appointment or employment of superintendents and teachers in the public schools, which appointment or contract is for a period extending beyond the official life of the appointing or contracting power, or where such action is taken for the purpose of forestalling the action of his or its successor, in the premises, is invalid.*

2. *Where a statute authorizes the appointment of officers or employees for a period of time "not exceeding" or "not to exceed" or "no longer than" a prescribed period, it impliedly authorizes appointments to be made for terms within that prescribed period, and appointments may lawfully be made for such periods of time regardless of whether or not such periods of time will extend beyond the official life of the appointing power.*

3. *A contract made by a public officer, in the emoluments of which he is personally interested, is against public policy, and for that reason, void.*

COLUMBUS, OHIO, July 3, 1934.

HON. CARLOS M. RIECKER, *Prosecuting Attorney, McConnelville, Ohio.*

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

"Some of the members of our local health board have asked me to write you for the following opinion on two questions which are now at issue with this board:

Section 1261-18-19 G. C. provides for the District Advisory Counsel, and also the appointment of the five members for the District Board. It also provides the time and manner in which certain appointments shall be made and specifies times for certain meetings of these two boards. Our District Advisory Board met a few months ago, which