

Based upon the facts presented and the sections of the statutes quoted, it is therefore the opinion of the attorney-general that

(1) The appointment of a supervisor and teacher of hygiene by a board of education for a term of four years in the place of the school physician provided by law (7692 G. C.) is illegal. Boards of education can not change the title of a statutory position while the duties remain the same, in order to increase the time of tenure.

(2) The duties of the school physician in a school district are clearly set forth in section 7692 G. C. et seq., and a person performing such duties authorized by the statutes can be appointed for a term of but one year and may be discharged at any time by the employing board.

(3) The board of education of the city school district of Dayton is compelled, under the civil service act of the state, to make its appointments of employes of the board from eligible lists prepared by the civil service commission of the city of Dayton, including all positions which are not specifically exempted by the civil service act of Ohio.

Respectfully,
JOHN G. PRICE,
Attorney-General.

1514.

DISAPPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN
MAHONING AND HOCKING COUNTIES.

COLUMBUS, OHIO, August 24, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

DEAR SIR:—Enclosed I return without my approval the following resolution sent me, among others, with your letter of August 21, 1920:

North Lima-East Palestine road, I. C. H. No. 89, section N-2, Mahoning county.

I note that the auditor's certificate of funds on hand is dated August 13, 1920; whereas it appears by the certificate of the clerk of the board of county commissioners that the commissioners undertook to pass their resolution on the 6th day of August, 1920. By reason of the provisions of sections 5660 and 1218 G. C., the certificate of the auditor should be made on the same day or prior to the date on which the final resolution is passed.

I also return without my approval the following final resolution which I find attached to those enclosed with your letter of August 21, 1920, although not noted in said letter:

Logan-Chillicothe road, I. C. H. No. 363, section N, Hocking county.

I note that the county auditor undertakes to change the form of the certificate provided to be signed by him in connection with the final resolution, so that said certificate shows that bonds will be offered for sale after September 1, 1920, and that local banks have agreed to purchase them. Such an arrangement by no means comes within the terms of section 5660 relative to "bonds sold and in process of delivery."

Respectfully,
JOHN G. PRICE,
Attorney-General.