

The plain import of section 6309-2 is that the subdivision,—county or municipality,—which receives the funds, must itself expend them rather than turn them over in whole or in part to another subdivision for expenditure. This being the case it follows that while under section 7467 G. C. the township might contribute funds to the county to be used by *the county* in conjunction with funds accruing to the latter under section 6309-2, yet the converse does not follow that the county may turn over such 6309-2 funds to the township. The real effect of such last mentioned action by the county would be to bring townships within the terms of section 6309-2 as fully as if they were designated in said statute as recipients of the funds in question.

For the reasons indicated, your inquiry is answered in the negative.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1580.

MEMBER OF CITY BOARD OF EDUCATION—DEPUTY HEALTH COMMISSIONER—COMPATIBLE.

The positions of member of the city board of education and deputy health commissioner are not incompatible.

COLUMBUS, OHIO, September 20, 1920.

HON. CHARLES R. SARGENT, *Prosecuting Attorney, Jefferson, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your recent request for the opinion of this department as follows:

“I have a request for opinion from your office as to whether a member of the city board of education could properly be appointed a deputy health commissioner. A Conneaut physician has been appointed health commissioner for the city of Conneaut. A claim is made that the offices are inconsistent. Will you please advise me as to your opinion in regard to the question?”

Sections 1261-16 et seq. known as the Hughes-Griswold health act, found in 108 O. L., Part I, page 236, and Part II, page 1085, and section 7692 and 7602-1 (103 O. L., 897), are pertinent to your inquiry.

As held in *State ex rel. vs. Gebert*, 12 C. C. (n. s.) 274, offices are considered incompatible when one is subordinate to, or in any way a check upon, the other, or when it is physically impossible for one person to discharge the duties of both.

In *State ex rel. vs. Newark*, 6 N. P., 523, it was held that a member of the board of health could not be appointed sanitary policeman, one being subordinate to the other.

In section 1261-26 it is provided in part that:

“The district board of health may also provide for the medical and dental supervision of school children, * * * for the inspection of the schools.”

Sections 7692 and 7692-1 provide for medical inspection of school children and teachers on the part of school physicians at the instance of the board of education.

In Opinion 596, Opinions of the Attorney General for 1919, Vol. II, page 1061,

it was held that the passage of the Hughes health law did not repeal these two sections by implication.

Consideration of these and other sections relating to the duties of boards of education and boards of health incline me to believe that these two positions are not incompatible.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1581.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN
 MEIGS, HURON, DEFIANCE AND PIKE COUNTIES, OHIO.

COLUMBUS, OHIO, September 21, 1920.

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

DEAR SIR:—I have your letter of September 20, 1920, enclosing for examination, among others, the following final resolutions:

Pomeroy-Athens road, I. C. H., No. 159, Sections L, M and O, Meigs county.

Oberlin-Norwalk road, I. C. H. No. 290, Section P, Huron county.

Bryan-Ft. Wayne road, I. C. H. No. 304, Section E, Defiance county.

Waverly-Cooperville road, I. C. H. No. 504, Section A, Pike county.

I have carefully examined said resolutions and have found them correct in form and legal, and am therefore returning them with my approval endorsed thereon in accordance with section 1218 G. C.

As a matter of information to you, I call your attention to the fact that the Meigs county resolution relating to Section O of I. C. H. No. 159, shows an appropriation by the county of \$38,800 and an appropriation by the state of \$56,700, total \$95,500; whereas, the total estimated cost as set forth in said resolution is but \$94,500. However, I am not withholding my approval of the resolution on that account, and am merely mentioning the discrepancy in the figures.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1582.

APPROVAL, SPECIAL ASSESSMENT SEWER BONDS OF VILLAGE OF
 WORTHINGTON IN AMOUNT OF \$95,000.

COLUMBUS, OHIO, September 21, 1920.

Industrial Commission of Ohio, Columbus, Ohio.