

County Memorial Building to lease or rent the memorial building, or a part thereof, for a lawful private purpose. The first three paragraphs of the syllabus of this opinion read as follows:

"1. Section 3068, General Code, does not require a board of permanent trustees of a memorial building to adopt rules and regulations as a condition precedent before such board may assume sole control, management and supervision of such memorial building and grounds.

2. A board of permanent trustees, appointed by virtue of Section 3068, General Code, has authority to lease or rent a memorial building under such terms and conditions as it deems proper for any lawful, private purpose, when the same does not interfere with the public use of such building.

3. Upon the appointment by the Court of Common Pleas of a board of permanent trustees of a memorial building, as provided by Section 3068, General Code, such board has the sole control, management and supervision of such memorial buildings and grounds."

You will note that the opinion just referred to is confined to the power and authority of a board of trustees to lease or rent such a building for a private purpose, and does not discuss the power and authority of such a board of trustees to rent the same for a public purpose.

In view of the foregoing, and answering your question specifically, it is my opinion that a board of trustees of a memorial building is without authority to charge a rental for the use of a memorial building, when such building is being used for a public purpose. Inasmuch as the Legislature has, by the language used in Section 3068, General Code, expressed its intent that military organizations, as such, exist for a public purpose, a board of trustees of a memorial building is without authority to charge a bona fide military organization rental for the use of a memorial building. Such board of trustees, however, may exact from such organizations such charges as are necessary to pay for the cost of heating, lighting, janitor service, etc., which charges must be reasonably commensurate with the cost of such items.

I am enclosing herewith a copy of Opinion No. 1818, supra.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

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2676.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN JEFFERSON COUNTY.

COLUMBUS, OHIO, October 5, 1928.

HON. HARRY J. KIRK, *Director of Highways, Columbus, Ohio.*