the term "vacated" in connection with the method of procedure. In other words, while Section 6874 relates to improvement, an examination of the sections following, which describe the method of procedure in connection with an improvement, conclusively establishes that the legislature intended that the vacation of a road was to be regarded as an improvement.

You will observe the necessity for action by a joint board is predicated upon the fact that the "proposed improvement" crosses the county line. This does not mean that, wherever a road crosses from one county into another, any improvement of that road, wherever located, must be by joint action. I take it that the word "improvement," when used as descriptive of a vacation proceding, refers specifically to the portion of the road to be vacated. Unless this portion lies in both counties, no joint action is necessary.

This conclusion becomes clear when this word is used in connection with the other types of improvements described in Section 6860, General Code, to which reference has heretofore been made. Thus it would be clear that county commissioners might properly widen a highway wholly within their own jurisdiction without the necessity of consulting the commissioners of an adjoining county even though the road might eventually run into that county. Similarly no joint action would be necessary in order to straighten a portion of a road wholly within one county. In the last analysis, the word "improvement" must be construed as only contemplating that portion of the road which is directly affected by the proposed proceedings. This would only include the portions actually vacated and, hence, unless the vacated portion of the road, after official steps have been taken, will lie in two counties, no joint action is necessary.

I am accordingly of the opinion that a board of county commissioners has authority to vacate a township road where the vacated portion will not lie outside the boundaries of their county, although such road extends therefrom into an adjoining county.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2863.

APPROVAL, FINAL PLANS FOR ERECTION OF MONUMENT AT PORTLAND MEIGS COUNTY, OHIO

COLUMBUS, OHIO, January 26, 1931.

Ohio State Archaeological and Historical Society, Columbus, Ohio.

GENTLEMEN:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval the final plans for the monument to be erected by your society at Portland, Meigs County, Ohio, in honor of the Union soldiers who turned back the Morgan Raiders on July 20, 1863.

By the terms of Section 2 of the act (H. B. 273, 88th General Assembly, 113 O. L. 622) authorizing your society to receive by gift a site and erect a monument thereon, it is provided "that said site and the plans for said monument shall be approved by the Governor and the Attorney General of the State before they are accepted."

I have already approved the quit-claim deed by which Norma C. Peoples and C. E. Peoples, her husband, conveyed a parcel of real estate in Lebanon Township, Meigs County, Ohio, as a site for this monument. See Opinion No. 2855, rendered January 23, 1931.

Upon examination of the plans, I note that a committee of your society approved these plans on January 6, 1931. I therefore feel that your society, which is charged by the act with the erection of the monument (see Section 1, H. B. 273, 113 O. L. 622), has thereby determined that the plans are adequate, and in the absence of fact to show the contrary, I must concur in that determination. I assume that said plans do not contemplate an expenditure exceeding three thousand dollars, for it is noted that Section 4 of the act heretofore mentioned appropriates but three thousand dollars for the monument.

Entertaining these views, said plans are hereby approved, and I am returning them herewith.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2864.

SANITARY ENGINEER—NOT CONSIDERED A PUBLIC OFFICER—NO INHIBITION AGAINST CHANGE OF SALARY DURING TERM FOR WHICH APPOINTED WHEN.

SYLLABUS:

1. *A sanitary engineer, appointed by a board of county commissioners in a county with a population exceeding* 100,000 *in which there has been created and maintained a sanitary engineering department, is not a public officer.*

2. *A change may be made in the amount of compensation provided for a county sanitary engineer, and the method of computing and paying the same, during the term for which such engineer is appointed, if done in good faith and for good cause.*

COLUMBUS, OHIO, January 26, 1931.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your request for my opinion with reference to a mattter submitted to you by one of your examiners.

Your examiner's inquiry relates to a change made in the compensation to be paid to the sanitary engineer for Montgomery County during the term for which he was appointed. His letter to you is as follows:

> "On January 2, 1930, the county commissioners passed a resolution re-appointing P. E. B. County Sanitary Engineer for the year 1930, and fixed his salary at $4,000.00 per year for such services as are necessary for him to render. (The county commissioners properly appropriated $4,000.00 for the year 1930).
>
> On March 14, 1930, the county commissioners repealed the resolution passed January 2, 1930 and re-appointed P. E. B. as sanitary engineer beginning March 16, 1930 and fixed his compensation at $25.00 per day, subject to 160 working days per year, (which would amount to the annual salary appropriated for the year 1930. There is no record of Mr. B. resigning.)
>
> On September 12, 1930, the County Commissioners passed a resolution employing P. E. B. as sanitary engineer for 56 additional days, at $25.00