

Note from the Attorney General's Office:

1950 Op. Att'y Gen. No. 50-1606 was overruled by 1989 Op. Att'y Gen. No. 1989-069.

1606

TEACHER EMPLOYED IN PUBLIC SCHOOLS OF OHIO—
INELIGIBLE TO SERVE AS MEMBER OF VILLAGE COUNCIL,
O. A. G., 1927, OPINION 1326, PAGE 2555, APPROVED AND FOL-
LOWED.

SYLLABUS:

A teacher employed in the public schools of Ohio is ineligible to serve as a member of the village council. Opinions Attorney General, 1927, Opinion 1326, page 2555, approved and followed.

Columbus, Ohio, March 30, 1950

Hon. Sumner J. Walters, Prosecuting Attorney
Van Wert County, Van Wert, Ohio

Dear Sir:

This will acknowledge receipt of your letter in which you request my opinion, as follows:

“Please render me your opinion as to whether or not a teacher in the public schools is qualified to sit as member of the village council.”

I am unable to find any inhibition against a teacher in the public schools sitting as a member of council in so far as the school laws are concerned, however, your attention is directed to Section 4218 of the General Code of Ohio, which relates to the qualifications of councilmen in villages. Section 4218 reads as follows:

“Each member of council shall have resided in the village one year next preceding his election, and shall be an elector thereof. *No member of council shall hold any other public*

office or employment, except that of notary public or member of the state militia, or be interested in any contract with the village. Any member who ceases to possess any of the qualifications herein required or removes from the village shall forfeit his office."
(Emphasis added.)

A similar provision as to the qualifications of council members in villages is also found in Section 4207 of the General Code relating to the qualifications of councilmen in cities. It was held in the case of *State ex rel. v. Gard*, 8 O. C. C. (N.S.), 599, that:

"The inhibition against the holding of other public office or employment, * * * relating to the qualifications of councilmen, is not limited to other office or employment by the municipality, but extends to all public office and employment."

In 1927 the Attorney General had occasion to consider the instant question. In his opinion reported in *Opinions of the Attorney General for 1927*, at page 2555, it was held:

"Under the provisions of Section 4218, General Code, a person holding the position of school teacher is ineligible to membership in a village council."

Since the rendition of the above quoted opinion there has been no material change in the statutes which would adversely affect the holding in same.

In view of the foregoing, and in specific answer to your inquiry, I am of the opinion that a teacher employed in the public schools of Ohio is ineligible to serve as a member of the village council.

Respectfully,

HERBERT S. DUFFY,
Attorney General.