

legislative body after consultation with a citizens district council and a subsequent public hearing. The citizens district council is required to notify the local legislative body that it approves or disapproves the development plan. After the above requirements have been met, the local legislative body may determine a blighted area and may proceed to exercise the additional powers of 1945 PA 344, as amended.

Thus, in response to your first question, a city has no authority to spread the costs of a bond issue on "areas of the city which cannot benefit," but a City Council can determine, pursuant to the referenced statutory authority, that the elimination of blighted areas constitutes a benefit to the community as a whole. In addition, a city is specifically authorized to pledge as security for the bonds the full faith and credit of the city.

In response to your second question, an additional consideration is the constitutional prohibitions against the lending of credit to any private corporation. See 1963 Const, art 7, §26 and art 9, §18. Here, the public purpose has already been noted and incidental private benefit is not sufficient to bring the matter within the area proscribed by the Michigan Constitution. In *Sinas v City of Lansing*, 382 Mich 407, aff'd 7 Mich App 464; 170 NW2d 23 (1969), the Michigan Supreme Court said:

"The underlying public purpose of that act is to eliminate urban blight. The elimination of urban blight is an adequate justification for the exercise of the power of eminent domain, even where the acquisition is followed by sale to private individuals. *In re Slum Clearance* (1951), 331 Mich 714."

Regarding your third question, 1945 PA 344, *supra*, does not require these rehabilitation bonds to be voted on by the electors or property owners. MCLA 125.77b; MSA 5.3507(2). Neither is the act tied to any Federal act in the sense that a refusal of the Federal Government to purchase land under Federal laws would prevent the city from doing so.

FRANK J. KELLEY,  
*Attorney General.*

760420.2  
COUNTY TREASURER: Appointment of deputy

HOSPITALS: County hospitals

A county treasurer may not appoint the controller of a county public hospital to serve as a deputy county treasurer with custody of the hospital's cash or investments.

Opinion No. 4971

April 20, 1976.

Honorable Dennis D. Cawthorne  
State Representative—98th District  
State Capitol  
Lansing, Michigan 48901

Citing Section 4, 1913 PA 350; MCLA 331.154; MSA 14.1134, which designates the county treasurer as the treasurer of the board of trustees of

county public hospitals, you have requested my opinion upon the following question:

“Can the requirements of this provision be met by deputizing the controller of the hospital as a deputy treasurer of the county in order that he might be custodian of the hospital’s cash and investments?”

Section 4 of said Act, as amended by 1971 PA 167, provides in pertinent part:

“. . . The county treasurer of the county in which such hospital is located shall be treasurer of the board of trustees. The treasurer shall receive and pay out all the moneys under the control of the board as ordered by it, but shall receive no compensation from such board. . . . *All moneys received for such hospital shall be deposited in the treasury of the county to the credit of the hospital fund, and paid out only upon warrants drawn by the auditor of the county or by the county clerk in counties not having a county auditor upon the properly authenticated vouchers of the hospital board. . . .*” MCLA 331.154; MSA 14.1134 [Emphasis added.]

The foregoing statutory language vests in the county treasurer the authority and responsibility as treasurer for the county public hospital board of trustees, and expressly requires that such hospital funds shall be deposited in the county treasury.

In addition to § 4, *supra*, other statutes provide for the custody and control of county public funds, and regulate the office of county treasurer. 1932 PA 40 (Ex Sess), MCLA 129.11 *et seq*; MSA 3.751 *et seq* provides for the designation of public fund depositories.

“All moneys which shall come into the hands of any officer of any county, . . . pursuant to any provisions of law authorizing such officer to collect or receive the same, shall be denominated public moneys within the meaning of this act.” MCLA 129.11; MSA 3.751

“The board of supervisors or board of county auditors of any county, in those counties in which there is a board of county auditors, . . . shall provide by resolution for the deposit of all public moneys . . . coming into the hands of the county treasurer, . . . in one or more banks or trust companies to be designated therein, and in such proportion and manner as may be therein provided. All such proceedings in connection with the deposit of moneys shall be conducted and be governed by all applicable provisions of law not in conflict with the provisions of this act. Upon designation of any depository or depositories in compliance with the provisions of this act, it shall be the duty of such treasurer . . . to deposit all funds coming into his hands, . . . therein . . .” MCLA 129.12; MSA 3.752

See also, 1909 PA 99, MCLA 129.31 *et seq*; MSA 5.531 *et seq*.

The office of county treasurer is prohibited from being connected with other county offices and is required to be separate. 1919 PA 90, MCLA 48.121 *et seq*; MSA 5.721 *et seq* provides:

"It shall be unlawful to establish or maintain any county office in connection with the county treasurer's office in any county in this State." MCLA 48.121; MSA 5.721

"The boards of supervisors of each county in this State shall provide a separate and distinct office for the county treasurer of their respective county." MCLA 48.122; MSA 5.722

Finally, provision is made for the conduct of the office of county treasurer in RS 1846, Ch 14, MCLA 48.35 *et seq*; MSA 5.681 *et seq*. Section 40 thereof defines the duties of such officer:

"It shall be the duty of the county treasurer to receive all moneys belonging to the county, from whatever source they may be derived; and all moneys received by him for the use of the county, shall be paid by him only on the order of the board of supervisors, signed by their clerk, and countersigned by their chairman, except when special provision for the payment thereof is, or shall be otherwise made by law." MCLA 48.40; MSA 5.686

And, although the county treasurer has authority to appoint a deputy county treasurer pursuant to § 37 of RS 1846, Ch 14, such a deputy would be equally bound by such legislation as it applies to the county treasurer himself.

It is therefore my opinion that a county public hospital comptroller may not be appointed a deputy county treasurer nor may such comptroller be custodian of the hospital's cash or investments.

FRANK J. KELLEY,  
*Attorney General.*

7604211

**CIVIL RIGHTS: Fair Housing Act**

**FAIR HOUSING ACT: Age**

**LANDLORD AND TENANT: Fair Housing Act**

The Fair Housing Act prohibits a landlord from refusing to rent or lease a unit to a tenant on the ground that the tenant has children who will occupy the premises.

Opinion No. 4953

April 21, 1976.

Honorable Donald E. Bishop  
State Senator  
The Capitol  
Lansing, Michigan 48902

Honorable Louis K. Cramton  
State Representative  
The Capitol  
Lansing, Michigan 48902

You have requested an opinion relative to 1968 PA 112, as amended by 1975 PA 183; MCLA 564.101 *et seq*; MSA 26.1300(101) *et seq*, which