

357.

APPROVAL, TWO GAME REFUGE LEASES.

COLUMBUS, OHIO, April 26, 1929.

HON. J. W. THOMPSON, *Chief, Division of Fish and Game, Columbus, Ohio.*

DEAR SIR:—I have your letter of April 26, 1929, in which you enclose the following state game refuge leases, in duplicate, for my approval:

<i>No.</i>	<i>Name</i>	<i>Acres</i>
2000—	J. Craig Bowman, Wyandot County, Crane Township-----	225
2001—	D. A. Bloom, Wyandot County, Sycamore Township-----	61.25

I have examined said leases, find them correct in form, and I am therefore returning the same with my approval endorsed thereon.

Respectfully,
GILBERT BETTMAN,
Attorney General.

358.

APPROVAL, NOTES OF BELMONT VILLAGE SCHOOL DISTRICT, BELMONT COUNTY, OHIO—\$15,000.00.

COLUMBUS, OHIO, April 26, 1929.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

359.

SCHOOL DISTRICT—ISSUANCE OF BONDS WITHOUT VOTE OF PEOPLE UNDER SECTION 2293-15, GENERAL CODE—CONDITIONS NOTED.

SYLLABUS:

Under the provisions of Section 2293-15, General Code, bonds may be authorized by a school district without a vote of the people, providing such indebtedness thereby incurred will not cause the net indebtedness as therein defined to exceed one-tenth of one per cent of the total value of all property in such school district as listed and as-

essed for taxation, irrespective of the year in which bonds may be so authorized or of the year in which any previous unvoted bonds may have been authorized.

COLUMBUS, OHIO, April 27, 1929.

HON. EDGAR G. MARTIN, *Prosecuting Attorney, Norwalk, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your letter of recent date which is as follows:

“The board of education of New Haven Township rural school district of Huron County, for the extension for building an addition to their school-house, are contemplating issuance of \$4,000.00 of bonds without a vote of the people, under compliance of General Code, Secs. 2293-2-25-26. The limitations of value are such that only \$2,000.00 can be issued in one year. And it will therefore require the issuing of two sets of bonds in order to get the money required by them.

Section 7689 specifying the school year, Sec. 29 in part says:

‘The school year shall begin on the first day of July of each calendar year and close on the thirtieth day of June of the succeeding calendar year.’

The question involved is, under Sec. 7689, can this school board, by proper legislation, issue the first series of these bonds prior to July 1st, 1929, and then subsequent to that date by proper legislation, make a second issue of bonds?

I am of the belief that this matter has been affirmatively passed upon by your office sometime past, but I am unable to find the Opinion.

Would appreciate information as to the location of this Opinion if such is the case, or Opinion from your office if this is a new question.”

In compliance with my request for additional information, I am advised that the total value of all property in the school district in question, as listed and assessed for taxation, is \$2,050,000.00, and that there now exists no unvoted indebtedness.

The section defining the limitations of indebtedness created or incurred by a school district is Section 2293-15 of the General Code, being part of the Uniform Bond Act, 112 Ohio Laws, 370. With certain exceptions as therein provided, it is expressly set forth that the net indebtedness created or incurred by any school district without a vote of the people shall never exceed one-tenth of one per cent of the tax duplicate.

Your inquiry as to the possibility of issuing bonds without vote of the people in two succeeding fiscal years is undoubtedly predicated upon the provisions of Section 7629, General Code, as in effect prior to the enactment of the Uniform Bond Act. This section provided that no greater amount of bonds may be issued in any year than would equal the aggregate of a tax at the rate of two mills for the year next preceding such issue. Section 7629, however, was repealed at the time of the enactment of the Uniform Bond Act. Your attention is called to the fact that Section 2293-15 makes no provision for the amount of unvoted bonds that may be authorized in any one year. In the instant case, bonds may now be authorized without vote of the electors in the amount of \$2,050.00. After such indebtedness is incurred, in the event the tax duplicate remains the same, additional unvoted bonds may only be authorized in such amount as this \$2,050.00 may be decreased, it being provided that the unvoted net indebtedness may never exceed one-tenth of one per cent of the tax duplicate.

The only reference in the Uniform Bond Act to the extent of indebtedness which may be incurred in any year appears in Section 2293-18, General Code, 112 O. L., 372,

which is only applicable to subdivisions which at the effective date of the Uniform Bond Act had indebtedness in excess of the limitations set forth in the Act.

In specific answer to your question, therefore, I am of the opinion that under the provisions of Section 2293-15, General Code, bonds may be authorized by a school district without a vote of the people, providing such indebtedness thereby incurred will not cause the net indebtedness as therein defined to exceed one-tenth of one per cent of the total value of all property in such school district as listed and assessed for taxation, irrespective of the year in which bonds may be so authorized or of the year in which any previous unvoted bonds may have been authorized.

Respectfully,
GILBERT BETTMAN,
Attorney General.

360.

TOWNSHIP TRUSTEES—POWER TO CONTRACT FOR LIGHTING UNINCORPORATED DISTRICT FOR TEN YEARS—NEW CONTRACT—PUBLIC UTILITY NEED NOT CONTINUE SERVICE AFTER TERMINATION OF CONTRACT.

SYLLABUS:

1. *Under the provisions of Section 3436, General Code, and its related sections, township trustees have no power to enter into a contract for the lighting of unincorporated districts for any period beyond ten years.*
2. *In the event it is desired to maintain such lighting district after the expiration of an existing contract, it is necessary to follow the procedure provided for in Section 3428, et seq., for the creation of a new lighting district in order to make a new contract.*
3. *When such a contract terminates under such circumstances as are above described, there is no duty upon a public utility to continue service beyond the time required in such contract.*

COLUMBUS, OHIO, April 27, 1929.

HON. LEROY W. HUNT, *Prosecuting Attorney, Toledo, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication requesting my opinion as follows:

“We have the following question now before our office, upon which we have been unable to find any direct authority, and we therefore respectfully request an opinion from you answering the question set forth herein:

The trustees of Adams Township have a contract with The Toledo Edison Company for the lighting of an unincorporated district known as ‘Lighting District No. 5.’ This contract was entered into August 4, 1919, and expires August 4, 1929.

The lighting district was created pursuant to G. C., Section 3428, et seq., and the contract entered into by the Trustees pursuant to the authority conferred in G. C., Section 3438, which provides that the contract shall not be for a longer period than ten years.

The Trustees desire to renew the contract or to let a new one upon the expiration of the present contract, and the following questions have arisen: