

2271.

APPROVAL—BONDS, TOLEDO CITY SCHOOL DISTRICT, LUCAS COUNTY, OHIO, \$3,000.00, PART OF ISSUE DATED FEBRUARY 1, 1921.

COLUMBUS, OHIO, April 11, 1938.

*Retirement Board, State Public School Employes' Retirement System,
Columbus, Ohio.*

GENTLEMEN:

RE: Bonds of Toledo City School District,
Lucas County, Ohio, \$3,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above school district dated February 1, 1921. The transcript relative to this issue was approved by this office in an opinion rendered to the Industrial Commission under date of January 19, 1934, being Opinion No. 3844.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said school district.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2272.

APPROVAL—CONTRACT AND BOND, STATE OF OHIO, THROUGH DEPARTMENT OF PUBLIC WORKS, WITH SKINNER ENGINE COMPANY, CINCINNATI, OHIO, FOR POWER PLANT EQUIPMENT, PROJECT, C. N. & I. DEPARTMENT, WILBERFORCE UNIVERSITY, WILBERFORCE, OHIO, TOTAL EXPENDITURE, \$18,694.00.

COLUMBUS, OHIO, April 11, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval a contract by and between Skinner Engine Company, Cincinnati, Ohio, and the State of

Ohio, acting by the Department of Public Works, for C. N. and I. Department, Wilberforce University, Wilberforce, Ohio, for the construction and completion of Contract for Power Plant Equipment for a project known as Revised January 27, 1938, Power Plant Equipment, C. N. & I. Department, Wilberforce University, Wilberforce, Ohio, as set forth in the Form of Proposal dated February 26, 1938, which contract calls for the total expenditure of eighteen thousand six hundred and ninety four dollars (\$18,694.00).

You have also submitted the following papers and documents in this connection: Incumbrance estimate No. 2, dated March 24, 1938, the estimate of cost, the division of contract, the notice to bidders, the proof of publication, workmen's compensation certificate showing the contractor having complied with the laws of Ohio relating to compensation, the form of proposal containing the contract bond signed by the Hartford Accident and Indemnity Company, its power of attorney for the signer, its financial statement and its certificate of compliance with the laws of Ohio relating to surety companies, the recommendations of the State Architect and Engineer, Board of Trustees and Director of Public Works, letter of certification from the Auditor of State showing that the necessary papers and documents are on file in said office, Controlling Board release, and the tabulation of bids received on this project.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other documents submitted in this connection.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2273.

MEMBER BOARD OF EDUCATION—WHERE HE SERVES AS DIRECTOR OF BANK WHICH IS DEPOSITORY FOR INACTIVE SCHOOL FUNDS—DOES NOT VIOLATE SECTION 4757 G. C.—UNIFORM DEPOSITORY ACT REQUIRES ADVERTISING AND COMPETITIVE BIDDING FOR INACTIVE FUNDS—SEE O. A. G. 1933, PAGE 1785—WHEN HE SERVES WHERE BANK IS DEPOSITORY OF ACTIVE SCHOOL FUNDS, VIOLATION OF SAID SECTION.

SYLLABUS:

1. *A member of a board of education who serves as director of a bank which is a depository for inactive school funds does not, in so doing, violate Section 4757, General Code, since the Uniform Depository Act*