

855.

## DISAPPROVAL, BONDS OF GEAGA COUNTY—\$43,027.16.

COLUMBUS, OHIO, September 11, 1929.

Re: Bonds of Geauga County, Ohio—\$43,027.16.

*Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN :—The transcript relative to the above issue of bonds discloses that the above bonds are issued in anticipation of a county road improvement, proceedings having been started in February, 1929. These bonds, after having been offered to and rejected by the sinking fund trustees, were advertised pursuant to the provisions of Section 2293-28, General Code. This advertisement, as affixed to the affidavit in proof of publication thereof, states that the bonds bear interest at the rate of 5% per annum, but does not state that anyone desiring to do so may present a bid or bids for such bonds based upon a different rate of interest as is permitted under Section 2293-28, General Code. It appears that notwithstanding this fact a bid was received upon a different rate of interest and the bonds awarded to bear interest at the rate of 5½% per annum. This office has consistently held that unless the advertisement published pursuant to the provisions of Section 2293-28, General Code, prior to amendment by the 88th General Assembly, states that bids may be presented based upon bonds bearing a different rate of interest as therein provided, the acceptance of a bid at a different rate of interest is void. See Opinion No. 341 under date of April 23, 1929, directed to your commission and also Opinion No. 93 under date of February 14, 1929, also directed to your commission.

In view of the foregoing, I advise you not to purchase these bonds.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

856.

BOARD OF EDUCATION—WHEN REMOVAL OF MEMBER FROM DISTRICT CREATES VACANCY—ELECTION OF SUPERINTENDENT AT ADJOURNED MEETING DISCUSSED—QUORUM NECESSARY TO TRANSACT BUSINESS—HOW SPECIAL MEETING CALLED.

**SYLLABUS:**

1. *The permanent removal of a member of a board of education from his school district creates a vacancy in the office. Temporary removal, does not. The intention of the member, to be gathered from all the circumstances attendant upon his removal, is the controlling factor in determining whether a removal is temporary or permanent.*

2. *Three members of an exempted village, village or rural board of education constitute a quorum.*

3. *No business can regularly be entered upon by a board of education until a quorum is present; nor can any business be regularly proceeded with when it appears that the members present are reduced below that number.*

4. *To employ a superintendent, teacher or other employe of a board of education requires the affirmative assent of at least three members of the board, which assent*