

contract was made in good faith in the interest of the public and for a time that was reasonable under all the circumstances.

In the instant case it might well be that the city of Ashland could not rent the auditorium in question except for ten or fifteen years as mentioned in the letter of the city solicitor. In any event, whether or not such a period of time be a reasonable one is a matter lying, in the first instance, within the sound discretion of the proper city officials and, in the absence of fraud and collusion, it is my opinion that if the proposed lease be entered into in good faith and in the interest of the public, it would be a valid exercise of the powers and authority conferred upon the city council by the Constitution of Ohio and the city charter.

In specific answer to your question, I therefore advise you that:

1. Where the charter of a charter city authorizes the city council to "sell, convey, lease, hold, manage and control" city property, in the absence of fraud or collusion, such council may lease an auditorium in the city building, not needed for municipal purposes, for such reasonable length of time as the city council deems proper, provided such lease be made in good faith and in the interest of the public.

2. Whether or not a term of fifteen years in such a case is a reasonable length of time, is a question of fact to be determined in the light of all the facts and circumstances surrounding the transaction.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

997.

PETITION—HOUSE BILL 14, 93RD GENERAL ASSEMBLY—
FLETCHER BILL—CIVIL SERVICE—VOTE.

COLUMBUS, OHIO, August 4, 1939.

MR. F. M. KIRWIN, *500 Hartman Theatre Bldg., Columbus, Ohio.*

DEAR SIR: Pursuant to the provisions of Section 4785-175 of the General Code of Ohio, there was submitted by you for my examination a written petition bearing over one hundred names, together with a certified copy of House Bill No. 14, passed by the 93rd General Assembly on June 1, 1939, approved by the Governor and filed in the office of the Secretary of State June 7, 1939, and a summary of the same, which act is sought to be referred to the electors. Copy of said bill and summary of the same is hereto attached.

I am of the opinion that the attached summary is a fair and truthful

statement of House Bill No. 14, and accordingly submit for uses provided by law the following certification:

"I, THOMAS J. HERBERT, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of Section 4785-175 of the General Code of Ohio, hereby certify that in my opinion the summary submitted together with the certified copy of House Bill No. 14 of the 93rd General Assembly is a fair and truthful statement of said Bill."

Respectfully,

THOMAS J. HERBERT,
Attorney General.

998.

PETITION—HOUSE BILL 14, 93rd GENERAL ASSEMBLY—
FLETCHER BILL—CIVIL SERVICE—VOTE.

COLUMBUS, OHIO, August 4, 1939.

MESSRS. SCHWARTZ & GUEREVITZ, *A. I. U. Building, Columbus, Ohio.*

GENTLEMEN: Pursuant to the provisions of Section 4785-175 of the General Code of Ohio, there was submitted by you for my examination a written petition bearing over one hundred names, together with a certified copy of House Bill No. 14, passed by the 93rd General Assembly on June 1, 1939, approved by the Governor and filed in the office of the Secretary of State June 7, 1939, and a summary of the same, which act is sought to be referred to the electors. Copy of said bill and summary of the same is hereto attached.

I am of the opinion that the attached summary is a fair and truthful statement of House Bill No. 14, and accordingly submit for uses provided by law the following certification:

"I, THOMAS J. HERBERT, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of Section 4785-175 of the General Code of Ohio, hereby certify that in my opinion the summary submitted together with the certified copy of House Bill No. 14 of the 93rd General Assembly is a fair and truthful statement of said Bill."

Respectfully,

THOMAS J. HERBERT,
Attorney General.