

3189.

## DISAPPROVAL, BONDS OF VILLAGE OF BELLE CENTER, LOGAN COUNTY, \$1,600.00.

COLUMBUS, OHIO, March 13, 1926.

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

Re: Bonds of village of Belle Center, Logan county, \$1,600.00.

GENTLEMEN:—Transcript submitted in connection with the above bond issue contains the minutes showing the passage of the bond ordinance, together with the publication of the same, and also the publication of the notice of the sale of the bonds in one newspaper. The bond ordinance recites:

"Section 1. That certain indebtedness heretofore incurred by the village of Belle Center, Logan county, Ohio, to-wit, that incurred in the pavement of streets of said village to the amount of sixteen hundred (\$1,600.00) dollars is hereby determined and declared to be an existing, valid and binding obligation of said village."

Section 2 provides:

"To provide means to extend the time of payment of said indebtedness which from its limits of taxation the village is unable to pay at maturity, there shall be issued the bonds of the village of Belle Center. \* \* \* ."

The provisions of the ordinance, as above indicated, are therefore for the purpose of extending the time of payment of indebtedness.

Section 3916 G. C. as amended in 109 O. L., page 339, provides only for the purpose of extending the time of payment of any indebtedness created or incurred before the 1st day of January, 1924, and since the enactment of this statute, there is no provision for extending the time of payment of obligations incurred since January 1, 1924, except by compliance with the provisions of section 5649-9f G. C. as enacted by the 86th General Assembly.

This section provides that such past due indebtedness may be refunded upon the approval of the Tax Commission. The bond ordinance in this case recites that these bonds are to pay for obligations arising from the street improvement. No information is furnished as to how funds have been provided for the payment of the contractor, or how compliance has been had with the provisions of the Burns law, or the provisions of Senate Bill No. 94 of the 86th General Assembly, which now replaces the Burns law, or whether such compliance may have been had or not.

These bonds should have been issued under the provisions of section 3939 G. C., and the same cannot be approved under an attempted issue under the provisions of section 3916 G. C.

You are therefore advised that the bond ordinance as submitted will not create a valid and legal obligation of the municipality, and you are further advised not to accept said bonds.

Respectfully,

C. C. CRABBE,  
*Attorney General.*