

ing and participated therein, for in such case the presumption is that proper notice has been given."

Citing *Clay County School District vs. Allen*, 83 Ark. 491; 104 S. W. 172; *Decker vs. Douglas County School District*, 101 Mo. Ap. 115; 74 S. W. 390.

In McQuillan on Municipal Corporations, 2nd Ed., Section 631, it is said:

"It is necessary to the validity of a special meeting that all of the members have been duly notified as required by law, unless those who were not properly notified were present at the meeting. But a special meeting duly called on notice to all members, whether all attended or not, is legal. And when all members are present voluntarily and participate, the meeting is legal for all purposes unless the law provides otherwise. Hence notice of a special meeting may be dispensed with or its necessity waived by the presence and consent of every one of those entitled to notice and who participates in the meeting."

In the instant case all of the members of the board were present at the meeting in question. In fact they had all had actual notice of the meeting before the meeting was held. The notice, however, had not been served upon them strictly in accordance with the statute. They each, however, attended the meeting in pursuance of the verbal notice which they had had, and each participated in the deliberations and the proceedings of the meeting. One member did not agree with the results of the meeting and voted "no" as you state, on matters submitted to a vote in the meeting. The fact, however, that he voted "no" and did not agree with the other members of the board cannot be said to constitute his non-participation in the meeting, nor can he now be heard to say that he was not present and did not participate in the meeting.

I am of the opinion, that, inasmuch as each and all of the members of the board were present at this meeting, and participated in the proceedings of the meeting, the fact that written notice had not been served on those members prior to the meeting, strictly in accordance with the statute, does not have the effect of rendering the meeting an illegal meeting or of rendering invalid the action taken at the said meeting.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2401.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND SKINNER ENGINE COMPANY, CINCINNATI, OHIO AND ERIE, PENNSYLVANIA, FOR TWO ENGINES AND GENERATORS FOR MASSILLON STATE HOSPITAL, MASSILLON, OHIO, AT AN EXPENDITURE OF \$15,590.00—SURETY BOND EXECUTED BY THE NATIONAL SURETY COMPANY.

COLUMBUS, OHIO, October 1, 1930.

HON. HAL H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and opinion a contract between the State of Ohio, acting by and through the Department of Public Welfare (Massillon State Hospital, Massillon, Ohio) and Skinner Engine Company, of Cincinnati, Ohio, and Erie, Pennsylvania. This contract covers the construction and completion of two engines and generators complete, for Massillon State Hospital,

Massillon, Ohio, and calls for an expenditure of fifteen thousand five hundred and ninety dollars (\$15,590.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in an amount sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained as required by Section 11 of House Bill 510 of the 88th General Assembly. In addition, you have submitted a contract bond upon which the National Surety Company appears as surety, sufficient to cover the amount of the contract.

You have also submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. It appears that the laws relating to the status of surety companies have been followed. Inasmuch as an affidavit has been filed showing that the contracting company employs less than three men in Ohio, no industrial certificate is necessary. It is noted that the Secretary of State has certified that the contracting company is authorized to do business in Ohio.

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 data submitted in this connection.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2402.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND WIGGINS AND GILLESPIE, BOWLING GREEN, OHIO, FOR PLUMBING IN RECITATION AND DEPARTMENTAL BUILDING, BOWLING GREEN STATE COLLEGE, BOWLING GREEN, OHIO, AT AN EXPENDITURE OF \$14,399.00—SURETY BOND EXECUTED BY THE OHIO CASUALTY INSURANCE COMPANY OF HAMILTON, OHIO.

COLUMBUS, OHIO, October 1, 1930.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works for the Board of Trustees, Bowling Green State College, Bowling Green, Ohio, and Wiggins and Gillespie, Bowling Green, Ohio. This contract covers the construction and completion of contract for plumbing in a building known as Recitation and Departmental Building, Bowling Green State College, Bowling Green, Ohio, as set forth in Item No. 3 and Alternate P-1; Alternate P-2 (b); and Alternate H-1, of the Form of Proposal dated August 13, 1930. Said contract calls for an expenditure of fourteen thousand three hundred and ninety-nine dollars (\$14,399.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted a certificate from the Controlling Board, that in accordance with Section 11 of House Bill 510, 88th General Assembly, said board has properly consented to the expenditure of the moneys appropriated by the 88th General Assembly for the purpose covered by this contract. In addition, you have submitted a contract bond upon which the Ohio Casualty In-