

and purchase such material as may be required are exclusively vested in the county surveyor, who as a condition precedent thereto must be authorized so to do by the county commissioners."

Coming now to the second question contained in the communication of your predecessor, county commissioners are authorized under Section 7214 of the General Code to purchase material for county road repair work. Section 7200, General Code, authorizes county commissioners to purchase machinery, tools or other equipment for the same purpose. See Vol. I, Opinions of the Attorney General for 1919, p. 110, for a complete discussion of the powers granted by the two sections of the General Code cited above. I find no statutory authority, express or implied, whereby the county commissioners may purchase the materials for the repair of a county road, and authorize the township trustees to hire the labor instead of the county surveyor. It would seem that where the county commissioners are purchasing the material under the authority of Section 7214, General Code, the hiring of labor would necessarily be governed by Section 7198, General Code, above quoted. The limitations on the power of the county commissioners relative to the construction of county roads contained in the above discussion in answer to the first question is equally applicable to the repair of county roads by county commissioners. See also Vol. I, Opinions of the Attorney General for 1916, p. 882, 18th branch of the syllabus and discussion of the same proposition on p. 899.

In the maintenance and repair of county roads the county surveyor has the sole power to hire the labor necessary therefor subject to the authority of the county commissioners. Section 7198, General Code, *supra*. In my opinion No. 2106, rendered under date of July 18, 1930, to Hon. L. E. Harvey, Prosecuting Attorney of Miami County, it is held that unless the maintenance and repair work is carried on by contract let pursuant to competitive bidding the county surveyor has the sole authority to hire the labor for repair of roads when authorized by the county commissioners. See p. 3 of said opinion, copy of which I enclose for your information. See also my opinion No. 1921, rendered May 29, 1930, to Hon. Forrest E. Ely, Prosecuting Attorney of Clermont County, a copy of which I send herewith.

In specific answers to the above questions, I am of the opinion that:

1. County commissioners, under their power to construct county roads, have no power to authorize township trustees to construct county roads, by force account. They may confer such authority solely on the county surveyor.
2. County commissioners are not authorized to purchase material for county road repair work and empower township trustees to hire the labor therefor.
3. In instances where the county is repairing county roads, the county surveyor has the exclusive authority to hire the necessary labor therefor when so authorized by the county commissioners.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2997.

DISAPPROVAL, BONDS OF MEIGS TOWNSHIP SCHOOL DISTRICT,
MUSKINGUM COUNTY, OHIO—\$800.00.

COLUMBUS, OHIO, February 25, 1931.

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

GENTLEMEN:—Re: Bonds of Meigs Township School Dist., *Muskingum County, Ohio*, \$800.00.

The transcript relative to the above issue of bonds discloses that these bonds have been authorized for the purpose of "paying rental on heating plant." Under the provisions of Section 2293-2, General Code, which section is part of the Uniform Bond Act, the board of education of a school district is given power to issue the bonds of such district "for the purpose of acquiring or constructing, any permanent improvement which such subdivision is authorized to acquire or construct." Section 2293-1 of the same act defines "permanent improvement" as "any property, asset or improvement with an estimated life or usefulness of five (5) years or more, including land and interests therein, and including reconstructions, enlargements and extensions thereof having an estimated life or usefulness of five years or more." It is obvious that the payment of the rental on a heating plant is not a purpose for which bonds may be issued under the foregoing provisions of the Uniform Bond Act.

The above bonds appear to have been authorized by a township district. The General Code of Ohio no longer contains any provision for such districts. Section 4679, General Code, provides as follows:

"The school districts of the state shall be styled, respectively, city school districts, exempted village school districts, village school districts, rural school districts and county school districts."

It is my opinion that these bonds have not been authorized for a valid purpose and that they do not constitute a valid and binding obligation of the district.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2998.

POLICE POWER—EMPLOYES DESIGNATED BY A BOARD OF PARK COMMISSIONERS TO ENFORCE THEIR BYLAWS, RULES AND REGULATIONS, MAY ARREST WITHOUT A WARRANT WHEN—JURISDICTION LIMITED IN PURSUIT OF OFFENDER—WHEN EMPLOYEE ENTITLED TO COMPENSATION FOR MAKING ARREST.

SYLLABUS:

1. *An employe designated by a board of park commissioners to enforce by-laws, rules and regulations adopted by such board, may arrest a person, without a warrant, found violating the rules and regulations of the board and where an affidavit is filed charging a person with a violation of such rules and regulations, the magistrate may direct a warrant to these employes and they are authorized to execute it. The jurisdiction in which such employes may exercise the authority to make arrests and execute warrants is limited by the provisions of Section 2976-10h to parks, parkways and reservations and adjacent lands under the jurisdiction and control of the board.*

2. *While employes designated by the board of park commissioners to exercise police powers have all the powers of police officers in the enforcement of regulations and rules of the board of park commissioners, and therefore may arrest and execute warrants in the same manner as police officers, yet by reason of their limited jurisdiction as provided in Section 2976-10h, they can not pursue a fugitive in any county in the state, but may only pursue a person accused of violating the*