

of the above county dated October 1, 1935. The transcript relative to this issue was approved by this office in an opinion rendered to the State Employees Retirement Board under date of November 14, 1935, being Opinion No. 4899.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said county.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2801.

APPROVAL—BONDS CITY OF CLEVELAND, CUYAHOGA
COUNTY, OHIO, \$20,000.00.

COLUMBUS, OHIO, August 3, 1938.

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

GENTLEMEN:

RE: Bonds of City of Cleveland, Cuyahoga County,
Ohio, \$20,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated July 1, 1925. The transcript relative to this issue was approved by this office in an opinion rendered to your board under date of April 12, 1938, being Opinion No. 2276.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2802.

STATE BOARD OF HOUSING—SECTION 1078-30 G. C.—MAN-
DATORY DUTY OF DESIGNATED BOARDS, OFFICERS
AND COUNTY COMMISSIONERS TO APPOINT MEMBERS
OF METROPOLITAN HOUSING AUTHORITY.

SYLLABUS:

Upon the forwarding of a certified copy of a resolution of the State Board of Housing declaring the existence and boundaries of a metropoli-

tan housing authority to the probate court, the common pleas court, the board of county commissioners and the mayor of the most populous city in the metropolitan housing authority so created, it is the mandatory duty of such officers and board of county commissioners to appoint within a reasonable time the members of such metropolitan housing authority as provided by Section 1078-30, General Code.

COLUMBUS, OHIO, August 4, 1938.

State Board of Housing, Wyandotte Building, Columbus, Ohio.

GENTLEMEN: Your letter of recent date is as follows:

“We find it necessary to request the appointing authorities under the Housing Law to make some certain contact with their appointees at the present time.

This action causes us to wonder what might happen if the appointing authorities, namely, the mayor of the largest city, the county commissioners, probate judge and the common pleas court were in any case to refuse to make an appointment what would be the result and what should our action be.

Your opinion about the above situation will be appreciated.”

If I understand your question, I assume you desire to know what steps may be taken in the event of the failure of the probate court, the common pleas court, the board of county commissioners and the mayor of the most populous city in a metropolitan housing authority to appoint the five members comprising such authority upon certification of a resolution of your board declaring the existence of such authority as provided in the fourth paragraph of Section 1078-30, General Code. Such paragraph reads as follows:

“A certified copy of the resolution of the state board of housing declaring the existence and boundaries of a housing authority district shall be immediately forwarded to each appointing authority hereinafter named. A housing authority shall consist of five (5) members, who shall be residents of the territory embraced in such metropolitan housing authority district. They shall be appointed as follows: One appointed by the probate court, one by the common pleas court, one by the board of county commissioners, and two by the mayor of the most populous city in the territory included in said district, in accordance with the last preceding federal census; provided, that at the time of the initial appointment of the authority, the mem-

ber appointed by the probate court shall be appointed for a period of four years, the appointee of the common pleas court for three years, the appointee of the board of county commissioners for two years, one appointee of the mayor for one year and one appointee of the mayor for five years. Thereafter all members of the authority shall be appointed for five year terms and vacancies for expired terms shall be filled by the same appointing powers. Members of the authority so appointed shall hold office until their successors have been appointed and qualified."

While the courts have occasionally construed the word "shall" as a permissive rather than a mandatory term where the context of the act in which it is used clearly indicates such a construction, it is believed unnecessary to cite authorities in support of the position that the General Assembly has here imposed upon the various appointing authorities a clear mandatory duty to appoint the members of a metropolitan housing authority upon there being certified to such appointing authorities the resolution provided in the foregoing statute. Such appointments must, of course, be made within a reasonable time and in my opinion the performance of this duty may be compelled by an action in mandamus, since the making of such appointments clearly constitutes "the performance of an act which the law specially enjoins as a duty resulting from an office, trust or station" within the meaning of the language of Section 12283, General Code.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2803.

JUVENILE COURT — JUDGE — COUNTY COMMISSIONERS
HAVE MANDATORY DUTY TO PURCHASE OR LEASE
DETENTION HOME, WHERE JUDGE SO RECOMMENDS
—DELINQUENT CHILD MAY BE COMMITTED TO SUCH
HOME—SEE OPINION No. 2804, AUGUST 6, 1938.

SYLLABUS:

If the judge of the Juvenile Court advises and recommends the establishment of a detention home, it is mandatory upon the county commissioners to purchase or lease a detention home within a con-