

2869.

APPROVAL, BONDS OF KINGSTON VILLAGE SCHOOL DISTRICT IN
AMOUNT OF \$5,000.

COLUMBUS, OHIO, February 17, 1922.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

2870.

DISAPPROVAL, REFUNDING BONDS OF HILLSBORO VILLAGE
SCHOOL DISTRICT, HIGHLAND COUNTY, IN AMOUNT OF \$8,000.

COLUMBUS, OHIO, February 17, 1922.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

Re: Refunding Bonds of Hillsboro Village School District, Highland
County, in the amount of \$8,000.

GENTLEMEN :—The above resolution, copy of which is set forth in the transcript, recites that the bonds under consideration were issued under authority of section 5656 G. C. to refund certain indebtedness of the school district, the entire indebtedness refunded, excepting one item of \$2,173.49, is for labor and material used in repairing a school building.

The item of \$2,173.49 is the amount of a promissory note payable to the Farmers and Traders National Bank. The purpose for which this note was given is not revealed in the transcript.

This office has frequently expressed the opinion that under authority of section 5656 G. C. a board of education may issue bonds to refund only valid and binding obligations of a district such as teachers' and janitors' salaries, costs of transporting pupils, the amount due the teachers' retirement fund and other validly contracted obligations or obligations created by law, but that said section does not authorize the issuance of bonds to secure funds to be used directly or indirectly for the purpose of repairing a school building.

This conclusion follows from the language of section 5660 G. C. under which the board of education is without authority to incur such indebtedness unless the funds to pay for the same are in the treasury and first specifically appropriated for the payment of the contractual price for such improvement.

It may be that the item of \$2,173.49 was incurred for obligations which may be paid by the issuance of refunding bonds, although the transcript does not now disclose that fact.

However, the other items of indebtedness for repairing the school building are at best only moral obligations of the district and I am clearly of the opinion that no authority is conferred by section 5656 G. C. to issue bonds to refund the same.

I, therefore, advise you that the bonds under consideration are not valid and binding obligations of the district and decline to approve the validity of them.

I herewith return the transcript which was submitted for my examination.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2871.

APPROVAL, DEFICIENCY BONDS OF CITY OF IRONTON IN AMOUNT
OF \$41,579.64.

COLUMBUS, OHIO, February 17, 1922.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

2872.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND WALTER G.
FRANZ FOR ENGINEERING SERVICES AT MIAMI UNIVERSITY,
OXFORD, OHIO.

COLUMBUS, OHIO, February 17, 1922.

HON. LEON C. HERRICK, *Director, Department of Highways and Public Works,*
Columbus, Ohio.

DEAR SIR:—Acknowledgment is made of your letter of February 16th, enclosing contract (four copies) between the State of Ohio and Walter G. Franz, for engineering services (direct radiation, South Pavilion, McGuffey Hall) at Miami University, Oxford, Ohio.

Said contract has been approved and the same is returned to you herewith.

Respectfully,
JOHN G. PRICE,
Attorney-General.