

2487.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE MELBOURNE CONSTRUCTION COMPANY OF CANTON, OHIO, FOR CONSTRUCTION AND COMPLETION OF OHIO STATE ARMORY AT ALLIANCE, OHIO, AT AN EXPENDITURE OF \$50,300.00—SURETY BOND EXECUTED BY THE FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

COLUMBUS, OHIO, October 30, 1930.

HON. ARTHUR W. REYNOLDS, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by and through A. W. Reynolds, Adjutant General and Director of State Armories, and the Melbourne Construction Company of Canton, Ohio. This contract covers the construction and completion of Ohio State Armory at Alliance, Ohio, including alternates 1, 2, 3, 4 and 5, as set forth in the form of proposal dated October 6, 1930. Said contract calls for an expenditure of fifty thousand three hundred dollars (\$50,300.00).

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. The approval of the Controlling Board, although not required under the terms of the special act making the appropriation for and providing for the erection of this armory, House Bill 294 (113 O. L. 503), has been obtained. In addition you have submitted a contract bond, upon which the Fidelity and Deposit Company of Maryland appears as surety, sufficient to cover the amount of the contract.

You have further 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. Also it appears that the laws relating to the status of surety companies and the workmen's compensation act have been complied with. The approval of the Governor, required under the terms of Section 1 of the special act mentioned in a preceding paragraph has been obtained.

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.

2488.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE MELBOURNE CONSTRUCTION COMPANY OF CANTON, OHIO, FOR CONSTRUCTION AND COMPLETION OF STATE ARMORY STABLE AT ALLIANCE, OHIO, AT AN EXPENDITURE OF \$12,000.00—SURETY BOND EXECUTED BY THE FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

COLUMBUS, OHIO, October 30, 1930.

HON. ARTHUR W. REYNOLDS, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by and through A. W. Reynolds, Adjutant General and Director of State Armories, and the Melbourne Construction Company of Canton, Ohio. This

contract covers the construction and completion of the State Armory Stable at Alliance, Ohio. Said contract calls for an expenditure of twelve thousand dollars (\$12,000.00).

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. The approval of the Controlling Board to the expenditure, although not required under the terms of the special act of the legislature making an appropriation for and providing for the erection of a stable and armory at Alliance (113 O. L. 503), has been obtained. In addition you have submitted a contract bond upon which the Fidelity and Deposit Company of Maryland appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law, and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation act have been complied with. The approval of the Governor, required under the terms of Section 1 of the special act, heretofore mentioned, has been obtained.

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.

2489.

FIREMEN'S INDEMNITY FUND—MUNICIPALITY MAY NOT TERMINATE WHEN NO PROVISION FOR A FIREMEN'S PENSION FUND HAS BEEN MADE—PROVISIONS OF STATUTE MANDATORY.

SYLLABUS:

A municipality not having provided for a firemen's pension fund may not terminate the firemen's indemnity fund created by the mandatory provisions of Section 4647-1, of the General Code.

COLUMBUS, OHIO, October 30, 1930.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN :—Acknowledgment is made of your communication, which reads :

"Section 4647-1 G. C., reads :

'That in all municipalities having no firemen's pension fund created under the provisions of Chapter I, Title 12, Division 6 of the General Code, of Ohio, and having and maintaining therein a fire department supported in whole or in part at public expense, a firemen's indemnity fund shall be created and disbursed as herein provided.'

Sections 4647-3 G. C., and 4647-4, G. C., provide for a levy of taxes for the purposes of the Firemen's Indemnity fund.

Section 5625-13 G. C., paragraph 'd', 113 O. L., page 673, reads :

'Unless otherwise provided by law, the unexpended balance in any special fund, other than an improvement fund, existing in accordance with Section 5625-9, paragraph (d), (f), or (g) or Section 5625-11 of the General Code, may be transferred to the general fund or to the sinking fund or bond retire-