

1407.

APPROVAL, BONDS OF THE VILLAGE OF FAIRVIEW, CUYAHOGA COUNTY, OHIO—\$93,635.00.

COLUMBUS, OHIO, December 20, 1927.

Industrial Commission of Ohio, Columbus, Ohio.

1408.

DISAPPROVAL, BONDS OF BEACH CITY VILLAGE SCHOOL DISTRICT, STARK COUNTY—\$30,000.00.

COLUMBUS, OHIO, December 21, 1927.

Re: Bonds of Beach City Village School District, Stark County, \$30,000.00.

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

GENTLEMEN:—Examination of the transcript pertaining to the above bond issue indicates that the bonds are being issued in order to complete a fireproof school building and furnish the same. Information obtained from another source reveals that on November 3, 1925, the electors of Beach City Village School District authorized an issue of bonds in the sum of \$48,000.00 for the construction of a fireproof school building. It appears that a contract was let in the sum of \$48,000.00 but that said contract did not call for a completed building. In November, 1926, therefore, another election was held to authorize an additional issue of \$30,000.00, seventeen thousand dollars of which was to be used to complete the partially built fireproof school house then under construction and thirteen thousand dollars of which was to be used for furnishing said school house.

It further appears that the board of education did not advertise for bids for the completion of the building nor did it advertise for bids for the furnishings, but adopted alternates contained in the original bid for the completion of the school house, in part, and authorized work without bids, in part, and expended about \$9,000.00 on furnishings without advertising for bids for the same.

While I do not have before me the transcript pertaining to the \$48,000.00 issue of bonds above referred to, it seems clear from the information submitted to me that said issue contemplated a completed building. If that be true, the board of education had no authority to enter into contracts for the construction of a partial or uncompleted structure. This is a situation which has too often arisen in the construction of public buildings in Ohio, and it has met with severe condemnation on the part of the Supreme Court. In the case of *State, ex rel. Stanton vs. Andress*, 105 O. S. 489, the fourth branch of the syllabus reads as follows:

“When the voters of a county sanction the policy of building a county jail by voting a bond issue in an amount certain, the policy adopted is one involving the expenditure of no greater sum than that approved, and a building