

2312.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE HELLER-MURRAY COMPANY, OF YOUNGSTOWN, OHIO, FOR CONSTRUCTION AND COMPLETION OF A STATE ARMORY BUILDING AT YOUNGSTOWN, OHIO, AT COST OF \$89,784.00—SURETY BOND EXECUTED BY THE NEW YORK INDEMNITY COMPANY.

COLUMBUS, OHIO, March 24, 1925.

HON. FRANK D. HENDERSON, *Adjutant General of Ohio, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Adjutant General, and the Heller-Murray Company, of Youngstown, Ohio. This contract covers the construction and completion of a state armory building at Youngstown, Ohio, and calls for an expenditure of \$89,784.00.

You have submitted the certificate of the director of finance to the effect that there is \$55,000 of state funds available to apply on said contract, together with \$45,000 contributed by the citizens of Youngstown, which fund is on deposit in the Commercial National Bank of Youngstown to the credit of the Adjutant General. There has further been submitted a contract bond upon which the New York Indemnity Company 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 have been complied with.

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,

C. C. CRABBE,

Attorney General.

2313.

CITY SCHOOL DISTRICT—BOARD OF EDUCATION HAS NO AUTHORITY TO PAY TRAVELING EXPENSES OF MEMBERS AND OFFICIAL REPRESENTATIVES WHERE NO SERVICE FUND EXISTS.

SYLLABUS:

In view of the provisions of section 7704 General Code, payment of claims for traveling expenses of members of a board of education, or their "official representatives," in a city school district where no "service fund" has been established as required by said section, could not be justified and is illegal. Such payment being illegal, subsequent action of the board of education by a resolution, as set forth in the instant case, attempting to validate same, would be of no effect.

COLUMBUS, OHIO, March 24, 1925.

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

GENTLEMEN:—This will acknowledge receipt of your letter of recent date, in which you submit a statement and request for the opinion of this department con-