

OPINION NO. 66-104**Syllabus:**

A political subdivision is not required at law to make an advertisement for a depository of active deposits. (Opinion No. 751, Opinions of the Attorney General for 1937, page 1370, approved and followed.)

To: C. Howard Johnson, Franklin County Pros. Atty., Columbus, Ohio
By: William B. Saxbe, Attorney General, June 10, 1966

I acknowledge receipt of your request for my opinion as per your letter which reads:

"Several subdivisions have requested information on the following question and your opinion on this subject will be appreciated.

"Our question concerns the requirement, if any, of advertising for bids

for a depository for active funds of a political subdivision, and more especially, the Franklin County Veterans Memorial money. Does the law require an advertisement for bids prior to the selection of a depository for active funds?"

In a search for an answer to the above question, it appears that the law is contained in Chapter 135, Revised Code, and it should be noted that whatever is stated herein does not pertain to those chartered political subdivisions which have made special provisions respecting the deposit of their funds.

Active deposits are mentioned in Section 135.07, Revised Code, and it is noted that all deposits of the public moneys of any subdivision, whether inactive, active, or interim deposits, shall be separately awarded, made, and administered as provided by Sections 135.01 to 135.23, Revised Code.

The next place that the term active deposits of a subdivision is noted is in Section 135.10, Revised Code, which provides that banks desiring active deposits shall make application to the governing board of such subdivision, but no mention is made of any newspaper advertisement.

Provisions for active deposits of subdivisions are found in Section 135.12, Revised Code, but this has to do with the limitations of amounts that may be deposited and no word pertaining to advertising is noted. Section 135.14, Revised Code, is explanatory of methods of making deposits and withdrawals as are provisions of Section 135.19 and 135.20, Revised Code.

In Opinion No. 751, Opinions of the Attorney General for 1937, page 1370, it is stated in essence that where there are no inactive deposits to be awarded, there is no requirement or authority for the publication of a notice of the prospective designation of public depositories. Section 135.10, Revised Code, which is the most pertinent on this subject, sets forth the procedure for application for those eligible institutions desiring to be a public depository of active deposits, but there is not in this section or elsewhere any specific requirement of advertising for a depository of active deposits.

You are, therefore, advised that a political subdivision is not required at law to make an advertisement for a depository of active deposits. (Opinion No. 751, Opinions of the Attorney General for 1937, page 1370, approved and followed.)