

3142.

APPROVAL, BONDS OF HOLLOWAY VILLAGE SCHOOL DISTRICT,
BELMONT COUNTY, OHIO—\$18,000.00.

COLUMBUS, OHIO, April 10, 1931.

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

3143.

ROAD IMPROVEMENTS—COUNTY COMMISSIONERS—AUTHORIZING TOWNSHIP TRUSTEES TO CONSTRUCT COUNTY ROAD BY FORCE ACCOUNT, COUNTY PAYING PORTION OF COST, ILLEGAL—WHEN BIDS REJECTED BY COMMISSIONERS, TRUSTEES NOT PERMITTED TO IMPROVE ROAD BY FORCE ACCOUNT—WHEN TRUSTEES AUTHORIZED TO CONSTRUCT ROADS BY FORCE ACCOUNT.

SYLLABUS:

1. Sections 3298-1, et seq., do not authorize the township trustees to construct township roads by force account.

2. Section 5541-8 of the General Code, authorizes the township trustees to expend the proceeds of the gasoline tax for the construction of the roads therein described by force account.

COLUMBUS, OHIO, April 11, 1931.

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

GENTLEMEN:—Your recent communication reads:

“You are respectfully requested to render this department your written opinion upon the following:

Question 1: When the commissioners, proceeding under the provisions of sections 6906 et seq., G. C., determined to improve a certain road in a specified township in the county and the surveyor estimates the cost of the same to be \$2,600.00, may the county commissioners authorize the trustees of the township in which the road is situated to construct the same by force account, the county to pay a certain proportion of the cost and the township to pay the balance?

Question 2: May the county commissioners after having advertised for bids for the construction of the road, reject the same and authorize the trustees to improve the road by force account?

Question 3: May the trustees of a township, proceeding under the provisions of Section 3298-1 et seq., construct a road by force account?”

You are referred to my opinion No. 2996, issued under date of February 25, 1931, in which it was held as disclosed by the syllabus, that:

“1. County commissioners, under their power to construct county roads, have no power to authorize township trustees to construct county roads by force account. They may confer such authority solely on the county surveyor.

2. County commissioners are not authorized to purchase material for county road repair work and empower township trustees to hire the labor therefor.