

3711.

APPROVAL, BONDS OF VILLAGE OF DOVER, CUYAHOGA COUNTY, \$5,800.00.

COLUMBUS, OHIO, October 15, 1926.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

3712.

APPROVAL, BONDS OF VILLAGE OF GREENFIELD, HIGHLAND COUNTY,
\$14,400.00.

COLUMBUS, OHIO, October 15, 1926.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

3713.

APPROVAL, BONDS OF VERMILION VILLAGE, ERIE COUNTY, \$23,000.00.

COLUMBUS, OHIO, October 15, 1926.

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

3714.

CITY OF CONNEAUT WITHOUT AUTHORITY TO EXPEND ITS FUNDS
IN IMPROVING PREMISES OWNED BY CITY SCHOOL DISTRICT—
SECTION 4065-5 G. C. CONSTRUED.*SYLLABUS:**The City of Conneaut cannot expend its funds in the improvement of the premises owned by the city school district of said city by the building of a concrete fence around the premises.*

COLUMBUS, OHIO, October 16, 1926.

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

GENTLEMEN:—This will acknowledge receipt of yours of recent date in which you request my opinion upon the following:

"Section 4065-5 G. C. reads:

"Any two or more cities or villages, or any city or village, or any city or village or county, may jointly acquire property for and operate and maintain any playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers. Any school district shall have power to join with any city, village or county in equipping, operating and maintaining playgrounds,

play-fields, gymnasiums, public baths, swimming pools and indoor recreation centers, and may appropriate money therefor.'

The City of Conneaut sold its municipal light plant and a part of the proceeds were transferred on order of the common pleas court into the general fund; a part of this fund the city proposes to expend as follows. The board of education some years ago obtained property for a school site and playground and the City of Conneaut wishes to expend \$8,000.00 to aid the board of education in putting a concrete fence around this site, which will be used as a public playground.

Question: May the amount in question be expended by the City of Conneaut for the purpose mentioned?"

It is a fundamental proposition that there can be no expenditure of money by a city or any other political subdivision except there be clear statutory authority therefor. Examination of the General Code discloses no authority or provision, other than the sections to which you refer, whereby a city may expend its funds for the improvement of property owned by a board of education. Analysis of section 4065 G. C. et seq. and particularly section 4065-5 G. C., which you quote in your inquiry, does not disclose any sufficient authority for such an expenditure.

Further, in this connection your attention is directed to a former opinion of this department, found in Opinions of Attorney-General for 1922, page 1082, wherein section 4065 was considered, and where it was held in the third paragraph of the syllabus:

"Under the provisions of sections 4065-1 et seq. of the General Code, public or private school lands may not be equipped by the city for recreation purposes defined in said section."

Therefore, I am of the opinion that the City of Conneaut cannot expend its funds in the improvement of the premises owned by the city school district of said city by the building of a concrete fence around the premises.

Respectfully,
C. C. CRABBE,
Attorney-General.

3715.

**FIREMEN'S PENSION FUND OF CITY OF LANCASTER—MEDICAL FEES
MAY BE PAID FROM SAID FUND.**

SYLLABUS:

Medical fees may be properly paid from the firemen's pension fund of the city of Lancaster, when such physicians have been employed at the request of the board of trustees.

COLUMBUS, OHIO, October 16, 1926.

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

GENTLEMEN—In your recent communication you present the following inquiry:

"Section 4612 General Code reads:

'Such trustees shall make all rules and regulations for the distribution of the fund, including the qualifications of those to whom any portion of it shall be paid and the amount thereof, but no rules or regulations shall be in force until approved by the director of public safety or the fire chief of the municipality, as the case may be.'