

974.

APPROVAL, BONDS OF VILLAGE OF DOVER, TUSCARAWAS COUNTY
—\$10,500.00.

COLUMBUS, OHIO, October 3, 1929.

Industrial Commission of Ohio, Columbus, Ohio.

975.

COUNCILMAN—CITY—ACTING AS AGENT IN EXECUTION OF SURETY
BOND TO SECURE CONTRACT ENTERED INTO BY SAID CITY IL-
LEGAL.

SYLLABUS:

It is unlawful for a member of a city council who is also agent for a surety company, to execute bonds on behalf of such surety company to secure the performance of contracts entered into with the city upon whose council he serves.

COLUMBUS, OHIO, October 3, 1929.

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

GENTLEMEN:—This will acknowledge receipt of your request for my opinion, which reads as follows:

“Section 4207, G. C., prohibits a member of a city council from having any interest in any contract with the city.

Section 3808, G. C., prohibits any member of council from having any interest in the expenditure of money on the part of the corporation other than his fixed compensation.

In Opinion No. 3867, page 524, Opinions for the year 1926, at page 526, it is said:

‘As a member of the council is interested in the award of the contract by virtue of obtaining a commission for executing the surety bonds, it is believed that such a member would have an interest in the expenditure of money by the corporation.’

Question: May a member of a city council acting as agent for a company writing surety bonds for contractors, legally write such bonds for contractors doing work for the city of which the party in question is a member of council?”

The 1926 opinion to which you direct my attention, has reference to a member of a village council. It is pointed out in that opinion that a village council, as directed by Section 4221, General Code, authorizes the making of all contracts on behalf of the village and that such contracts are executed in the name of the village and signed by the mayor and clerk thereof. In fact, a village council acting in the capacity of an administrative board, after receiving bids, if the amount involved in the contract exceeds five hundred dollars, really lets the contract; and whether the amount involved in a contract exceeds five hundred dollars or not, the council determines to whom such contract shall be let. It is also stated in the aforesaid opinion that a bond