

849.

DISAPPROVAL, BONDS OF SANDUSKY COUNTY—\$17,100.00.

COLUMBUS, OHIO, September 10, 1929.

Re: Bonds of Sandusky County, Ohio—\$17,100.00.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—The above bonds purchased by your commission are made up of two issues to pay the portion of the cost of two county line road improvements borne by Sandusky County. Each of these transcripts discloses that notes have been issued in anticipation of the issue of bonds, which notes appear to have been dated September 21, 1928, and are due and payable September 21, 1930. Proceedings for the improvement of the roads in question appear to have been started in March, 1928. Section 5654-1 of the General Code, as then in force and effect, provided that notes so issued by a board of county commissioners "shall be made payable at a time not more than one year from their date." In view of the fact that it is provided that the proceeds from the sale of these bonds are pledged for the payment of notes so issued, the statutory provisions relative to the issuance of notes have a direct bearing upon the validity of the bonds.

The transcripts are incomplete in the following respects:

The transcript relative to the "Baker Road" improvement discloses that the cost has been apportioned in accordance with the provisions of paragraph 3 of Section 6919, General Code. There are no copies of the agreements of trustees of the townships which are to pay a portion of this cost. This transcript also does not show the date when the petition for the improvement was filed nor does it contain evidence of a certified copy thereof having been filed with the commissioners of Sandusky County as provided in Section 6930, General Code. Section 6931, General Code, provides for action by a joint board of county commissioners within thirty days from the date of the filing of the petition and accordingly the omission of the date of the filing of such petition is material.

Section 6936, General Code, provides that notice of the improvement fixing a time and place for hearing objections thereto and claims for compensation and damages shall be published once a week for two consecutive weeks in a newspaper of general circulation within each of the interested counties. Both transcripts contain affidavits in proof of publication of such notice having been published in Sandusky County, but do not contain similar affidavits in proof of publication of such notice in a newspaper of general circulation in Seneca County.

The bond resolutions passed August 30, 1928, provide that these bonds shall mature serially on August 1 of each year from 1930 to 1938 inclusive. Under the provisions of Section 2293-12, General Code, the bond resolution having been passed after July 15, 1928, these bonds may not mature earlier than September 1, 1930, nor later than August 1, 1931.

In view of all of the foregoing, I am compelled to advise you not to purchase these bonds.

Respectfully,

GILBERT BETTMAN,

Attorney General.