

I have examined the transcript relative to the above bond issue and will be unable to approve the same for the following reasons:

The transcript does not contain a certificate from the clerk that he certified a copy of the resolution of necessity to the county auditor at least sixty days prior to the election and that he received the certificate of the county auditor as to the estimated average annual levy fifty days prior to the election and that the data referred to in Section 2293-19, General Code, was certified to the county board of elections at least forty days prior to the election. This is not fatal and the main reason for my disapproval is as follows:

Nowhere in the transcript does there appear any recital that the proceeds of this bond issue are to be used in conjunction with federal participation. No reference is made to House Bill 544 or Substitute House Bill 850 and for these reasons it is apparent that these bonds are issued in strict compliance with the Uniform Bond Act, Sections 2293-1, et seq., General Code. Section 2293-21 provides in part that notice of the election shall be published in one or more newspapers of general circulation in the subdivision once a week for four consecutive weeks prior to the date of election. In the instant case, the notice of election was published in the Daily Examiner for four consecutive weeks commencing on October 12, 1938, and it therefore follows that a full twenty-eight day period had not elapsed prior to the election. This office has repeatedly held that an irregularity such as this is a proper question for determination and adjudication by a court and I am therefore disapproving this transcript and advise your System against the purchase of these bonds.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3402.

APPROVAL—BONDS, CUYAHOGA COUNTY, OHIO, \$3,000.00,
DATED OCTOBER 1, 1935.

COLUMBUS, OHIO, December 15, 1938.

Public Employes Retirement Board, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of Cuyahoga County, Ohio, \$3,000.00.

The above purchased of bonds appears to be part of an issue of

bonds of the above county dated October 1, 1935. The transcript relative to this issue was approved by this office in an opinion rendered to the State Employes Retirement Board under date of November 14, 1935, being Opinion No. 4898.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said county.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3403.

A P P R O V A L—BONDS, WASHINGTON TOWNSHIP RURAL
SCHOOL DISTRICT, LUCAS COUNTY, OHIO, \$15,000.00.

COLUMBUS, OHIO, December 15, 1938.

*Retirement Board, State Public School Employes Retirement System,
Columbus, Ohio.*

GENTLEMEN:

RE: Bonds of Washington Twp. Rural School Dist.,
Lucas County, Ohio, \$15,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of school building and equipment bonds in the aggregate amount of \$300,000, dated October 1, 1938, bearing interest at the rate of 3½% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said school district.

Respectfully,

HERBERT S. DUFFY,
Attorney General.