

4172.

APPROVAL, NOTES OF STRUTHERS CITY SCHOOL DISTRICT, MAHONING COUNTY, OHIO—\$27,700.00.

COLUMBUS, OHIO, March 23, 1932.

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

4173.

APPROVAL, CONTRACT BETWEEN TRUSTEES OF LANIER TOWNSHIP AND THE BUCKEYE PUBLIC SERVICE COMPANY, FOR ARTIFICIAL LIGHTING OF ROAD IN HAMLET OF INGOMAR.

COLUMBUS, OHIO, March 24, 1932.

HON. RALPH G. SEVER, *Prosecuting Attorney, Eaton, Ohio.*

DEAR SIR:—I have your letter in which you ask for an opinion as to the validity of the contract entered into on the 18th day of December, 1931, by and between the Board of Trustees of Lanier Township and The Buckeye Public Service Company, for the artificial lighting of a road in the Hamlet of Ingomar, which is not an incorporated village. You have enclosed in this letter an abstract of the proceedings of the township trustees leading up to the execution of this contract, together with the contract itself.

For the purpose of this opinion, I assume that, in accordance with Section 3440-1 of the General Code, the township trustees determined that the public safety or welfare requires that such road be lighted; that bids were advertised for a period of two weeks either by posting said advertisement in three conspicuous places in said township or by publication thereof once a week for two consecutive weeks in a newspaper of general circulation in the township; that the bid of The Buckeye Public Service Company was in accordance with the plans and specifications and that the trustees determined that this company was the lowest and best bidder. You state that only a part of Ingomar lies within Lanier Township and I assume, of course, that the portion of the road sought to be lighted is entirely within Lanier Township.

If these assumptions are correct, then I am of the opinion that the contract referred to constitutes a valid and binding obligation on the part of both the trustees and The Buckeye Public Service Company.

I notice the certificate of the clerk states "that the amount (\$180.00) required to meet this contract, agreement, obligation, payment or expenditure for the then fiscal year has been lawfully appropriated or authorized or directed for such purposes and is in the treasury or in process of collection to the credit of the Light fund free from any obligations or certification outstanding."

Section 5625-33, General Code, provides that the certificate shall state that "the amount required to meet the same in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose," etc. Of course, as