

3490.

## APPROVAL, BONDS OF BROWHELL TOWNSHIP RURAL SCHOOL DISTRICT, LORAIN COUNTY, \$4,000.

COLUMBUS, OHIO, August 11, 1922.

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

3491.

## DISAPPROVAL, BONDS OF CLOVERDALE CONSOLIDATED VILLAGE SCHOOL DISTRICT, \$4,000.

COLUMBUS, OHIO, August 11, 1922.

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

In Re: Bonds of Cloverdale Consolidated Village School District, \$4,000, for the stated purpose of meeting the deficiency in the tuition fund of said school district.

GENTLEMEN:—As above indicated, the above proposed issue of bonds is one for the stated purpose of meeting the deficiency in the tuition fund of the school district, as stated in the bond resolution for the payment of salaries of teachers in the school and of employes of the board in this district.

This issue of bonds is one under the assumed authority of sections 5656 and 5658 of the General Code and it must be observed that there is nothing in the provisions of these sections which authorizes the board of education of the school district to issue bonds for the purpose of funding deficiencies as such.

These sections, however, do authorize the board of education under the proper finding of facts to fund existing legal indebtedness of a school district by the issue of bonds. However, it is only when the board of education is unable to pay such legal indebtedness by reason of the limits of taxation applicable to such school district that said board is authorized to fund and thereby extend the payment of said indebtedness by means of an issue of bonds. If, therefore, we are permitted to construe the resolution providing for this issue of bonds as one providing for said issue for the purpose of funding existing indebtedness of said school district, the resolution must be disapproved for the reason that there is no finding therein that the board of education is unable to pay such an indebtedness by reason of the limits of taxation applicable to said school district.

By the provisions of the resolution of the board of education providing for this issue of bonds, the maturity of the first bond of the series covering this issue is fixed as June 1, 1923. It is obvious that this provision of the bond resolution is not in conformity with the provisions of section 2295-12 of the General Code as enacted in 109 O. L., 344, by which section it is required that said first bond shall mature not earlier than the date fixed by law for the final tax settlement between the county treasurer and the political subdivision or taxing district next following the inclusion

of a tax for such issue. Assuming that the tax was included in the 1922 budget of said school district for said sinking fund purposes with respect to this issue, it is apparent under the provision of said section of the General Code that the first bond of said series should not mature earlier than about September 1, 1923.

The transcript shows that the board of education made an offer of the bonds provided for by said resolution to the board of sinking fund trustees of Putnam County and secured the rejection of said bonds by said county sinking fund trustees before offering the same to the Industrial Commission of Ohio. As to this, it will be observed that if said school district has existing and outstanding bonded indebtedness, it is the duty of the board of education to provide for the appointment and qualification of the board of sinking fund commissioners of said school district and to offer this proposed issue to said board of sinking fund commissioners before offering the same to the Industrial Commission. (Sections 7614, 7619 and 1465-58 G. C.)

In my consideration of the transcript of the proceedings relating to the above proposed issue of bonds I note other objections which would have the effect of preventing my approval of this issue without further information. Inasmuch, however, as the objections above noted require my disapproval of this issue, I do not deem it necessary to discuss the other objections noted in my consideration of said transcript.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*

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3492.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENTS, ASHLAND COUNTY.

COLUMBUS, OHIO August 11, 1922.

*Department of Highways and Public Works, Division of Highways, Columbus, Ohio.*

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3493.

APPROVAL, CONTRACT OF STATE OF OHIO WITH THE COLUMBUS HEATING AND VENTILATING COMPANY FOR HEATING COMMITTEE ROOMS, FOR SENATE AND HOUSE OF REPRESENTATIVES, STATE HOUSE, AT A COST OF \$5,490.00—SURETY BOND EXECUTED BY FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

COLUMBUS, OHIO, August 12, 1922.

HON. LEON C. HERRICK, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted to me for approval a contract (four copies) between the State of Ohio, acting by the Department of Highways and Public Works, and The Columbus Heating and Ventilating Company, of Columbus, Ohio. This contract is for all work embraced under the heating contract for the committee rooms,