

opinion from me as to whether or not the said Board of Health is authorized to purchase a motor vehicle for the County Health Commissioner or District Health Commissioner for her official use.

Will you kindly submit an opinion on this question?"

The question which you submit was considered and passed upon by this department in an opinion, found in Opinions of the Attorney General for 1925, page 761, the syllabus of which is as follows:

"There is no express authority authorizing a district board of health to purchase an automobile for the use of its employees. However, where conditions are such that the successful, economical and efficient performance of the board's duties, which are expressly imposed by statute, requires such a purchase, the authority is reasonably implied. Whether or not such a condition exists is a question of fact to be determined in each case, in the discretion of the board."

I concur in the views expressed in the above opinion by the then Attorney General and therefore refer you to the discussion of the question as contained therein. In the event that you have not available the bound volume of the Opinions of the Attorney General for 1925, I enclose herewith an office copy of the opinion referred to above.

Respectfully,

GILBERT BETTMAN,
Attorney General.

499.

APPROVAL, BONDS OF NEWTON FALLS CONSOLIDATED SCHOOL DISTRICT, TRUMBULL COUNTY, OHIO—\$100,000.00.

COLUMBUS, OHIO, June 10, 1929.

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

500.

DISAPPROVAL, NOTES OF SHARON RURAL SCHOOL DISTRICT, NOBLE COUNTY, OHIO—\$7,000.00.

COLUMBUS, OHIO, June 10, 1929.

Re: Notes of Sharon Rural School District, Noble County, Ohio, \$7,000.00.

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

GENTLEMEN:—I have examined the transcript of the proceedings of the board of education and other officers of Sharon Rural School District, Noble County, relative

to the above issue of notes. The transcript discloses that pursuant to notice of election, in accordance with the provisions of Section 2293-21, General Code, there was submitted to the voters of this school district on November 6, 1928, a ballot, copy of which is included in the transcript, certified by the clerk of the board of education as a true copy of the ballot used at the aforesaid election. The form of ballot so submitted to the voters of the school district is as follows:

	FOR THE BOND ISSUE
	AGAINST THE BOND ISSUE

On the reverse of the ballot appears the following:

"OFFICIAL BALLOT
SCHOOL HOUSE BOND ISSUE
Election November 6, 1928
E. E. Ullman, Chief
Forest Archer
J. A. Porter
Forest Thompson"

Section 2293-23, General Code, specifically provides for the form of ballot which shall be used at such elections. This section reads in part as follows:

"The form of the ballot to be used at such elections shall be as follows:
'Shall bonds be issued by the _____ (here insert name of subdivision) for the purpose of _____ (here insert purpose of bond issue) in the sum of _____ (here insert amount of bond issue) and a levy of taxes be made outside of the fifteen mill limitation, estimated by the county auditor to average _____ (here insert number of mills) mills for a maximum period of _____ (here insert longest maturity) years to pay the principal and interest of such bonds.'

* * * * *

There is here made a mandatory provision as to what information is to be placed upon the ballot for the information of the voters. This provision has not been complied with even in part.

In my Opinion No. 174, issued under date of March 8, 1929, it was held that an election authorizing an issue of bonds was invalid when the ballot set forth the amount of bonds proposed to be issued and the purpose of the issue, but failed to state the levy of taxes to be made outside of the fifteen mill limitation and the maximum period of years such levy was to be made to pay the principal and interest of the bonds. In that opinion, an opinion of my predecessor was cited which former opinion appears in the Opinions of the Attorney General for 1928, Vol. IV, p. 2993. The syllabus is as follows:

"Under the provisions of Section 2293-23, General Code (112 Ohio Laws 374), it is mandatory that the detailed information therein required, be placed

on the ballot submitted to the voters at election. The failure to so give the detailed information, renders the election, as it pertains to the bond issue, invalid."

In conclusion, I advise that in my opinion the election authorizing the board of education of Sharon Rural School District, Noble County, Ohio, to issue \$7,000.00 bonds is invalid for the reason that the ballot submitted to the voters was materially defective as to form and substance, not being in accordance with the provisions of Section 2293-23, General Code. I am further of the opinion that notes issued in anticipation of the issue of such bonds are not a valid and binding obligation of the subdivision, and I therefore cannot advise their purchase.

Respectfully,
GILBERT BETTMAN,
Attorney General.

501.

MUNICIPALITY—POWER TO EMPLOY ENGINEER TO MAKE CADASTRAL SURVEY ON COST PLUS BASIS UNDER GENERAL LAW—CHARTER PROVISIONS MAY LIMIT.

SYLLABUS:

A municipality may, under the general law, employ an engineer to make a topographic and cadastral survey and provide for his compensation upon a cost plus basis, providing the terms of such a contract are sufficiently definite and certain to establish the rule whereby such compensation may be definitely computed. The home rule provisions of the Constitution will not limit such power, unless a municipality has adopted a charter or legislation inconsistent with the general law.

COLUMBUS, OHIO, June 10, 1929.

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

GENTLEMEN :—Your recent communication reads :

"May a municipality which has a city engineer legally make a contract with another engineer for a topographic and cadastral survey and agree to pay compensation on a cost plus 10% basis?

The engineer with whom the city desires to make a contract makes a specialty of such surveys."

In my opinion No. 239 rendered to your bureau under date of March 25, 1929, it was held that a municipality is authorized by the Uniform Bond Act to issue bonds for the purpose of paying the cost of a cadastral survey. In discussing the nature of such a survey, it was stated in said opinion that :

"A cadastral survey appears to be a survey to establish not only a permanent record of ownerships and values of all real estate within the corporate limits of a municipality, but also to determine and establish all property lines within such limits. It further appears that the making of such a survey contemplates a fixing of permanent monuments at street intersections and other points where it is advantageous to fix any or all property lines."